

B

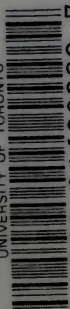
h269.2

L

STEPHEN LANGTON

HERO OF MAGNA CHARTA
700th. ANNIVERSARY

UNIVERSITY OF TORONTO



3 1761 01430289 7

J. R. LEEMING

STEPHEN LANGTON

MEMORIAL OF MARTIN CHARITA

1841

MEMORIAL OF MARTIN CHARITA

REV. R. L. LEE

MEMORIAL OF MARTIN CHARITA

1841

MEMORIAL OF MARTIN CHARITA

MEMORIAL OF MARTIN CHARITA

MEMORIAL OF MARTIN CHARITA

1841

STEPHEN LANGTON

HERO OF MAGNA CHARTA

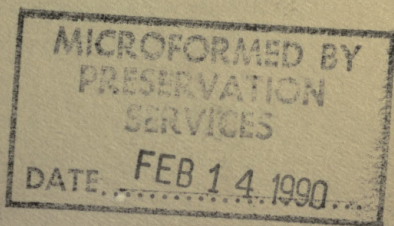
(1215 A.D.)

Septingentenary (700th Anniversary), 1915 A.D.

BY

REV. J. R. LEEMING, B.A.

VICAR, CHURCH OF THE GOOD SHEPHERD, ROCHDALE



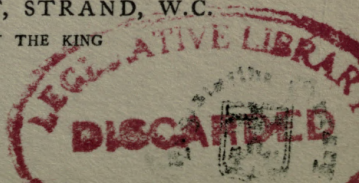
London

SKEFFINGTON & SON

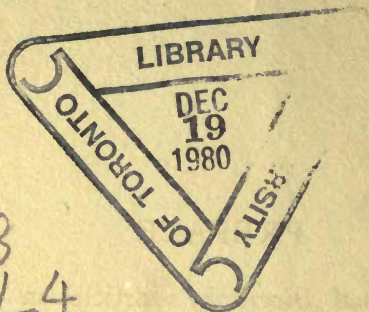
34 SOUTHAMPTON STREET, STRAND, W.C.

PUBLISHERS TO HIS MAJESTY THE KING

1915



DA
228
L3L4



PRINTED IN GREAT BRITAIN BY
RICHARD CLAY & SONS, LIMITED,
BRUNSWICK ST., STAMFORD ST., S.E.,
AND BUNGAY, SUFFOLK.

PREFACE

THE *National Biography's* article on Stephen Langton says, "a full biography of him has yet to be written, we have only sketches of his life as yet." The author does not, for a moment, imagine that the following pages contain all that is needed, but he humbly hopes that their perusal will do something towards quickening an interest in the life and times of one who is apparently so little known and yet who loomed so large in the fight for political and ecclesiastical freedom in the Middle Ages.

J. R. LEEMING.

1915.

BIBLIOGRAPHY

General Survey—

- Britannica Encyclopædia.
- CHAMBERS'S Encyclopædia.
- Catholic Encyclopædia.
- CUTT'S Dictionary of Church of England.
- ROGER OF WENDOVER : Flowers of History.

Literary History—

- WRIGHT : Biographia Britannica Literaria.

Social History—

- BATESON, MISS : Medieval England.
- COX, J. C., LL.D. : Canterbury City.

Constitutional History of the Church—

- WILKIN'S Concilia.
- HOOK : Ecclesiastical Biography.
- FIELDEN : Short Constitutional History.
- MEDLEY : English Constitutional History.
- STUBBS : Lectures in Early Church History.

Development of Constitutional History—

- THOMSON : Essay on Magna Charta.
- STUBBS : Early Plantagenets.
- KNIGHT : Old Antiquities.
- McKECHNIE : Magna Charta.
- MISS NORGATE : John Lackland.

Ecclesiastical History—

- GEE AND HARDY : Documents Illustrative of English Church History.
- STEPHENS, W. R. W. : English Church History.
- PERRY, CANON G. C. : English Church History.
- CUTTS, DR. : Turning Points of Church History.

GASQUET, CARDINAL : Henry III and the Church.
LANE, C. A. : English Church History.
Canterbury and York Society (Registers).
CUTTS : Parish Priest and People.
Historical Manuscripts Commission, vol. iv.
ISAACSON, F. W. : English Cardinals.
LUARD, H. R. : Flores Historiarum.

Political History—

ADAMS : Political History of England.
DAVIS, H. W. C. : England under Normans and Angevins.
FLETCHER, C. R. L. : Introduction to English History.

Biographical—

Dictionary of National Biography.
HOOK : Lives of the Archbishops.
CHAMBERS : Biographical Dictionary.

Constitutional History—

STUBBS : Select Charters.
Introduction to Rolls Series.
Constitutional History, vol. i.
SHIRLEY, W. W. : Letters of Henry III.

Incidental History—

SEIGNOBOS : History of Contemporary Civilization.
TOUT, T. F. : Empire and Papacy.
Advanced History of Great Britain.
HENDERSON : Historical Documents of the Middle Ages.
THATCHER AND SCHWILL : Europe in the Middle Ages.
LINGARD : History of England, vol. iii.
JERVIS AND HASSAL : Student's France.
HUME : Student's England.
MILLER : Medieval Rome.
FIRTH, C. : Oliver Cromwell.
ROBERTSON, CANON J. C. : Sketches of Church History.

CONTENTS

	PAGE
THE ARBITRARY POWER OF WILLIAM I . . .	I
THE AWAKENING OF THE BARONAGE . . .	3
INFLUENCE OF THE MONASTERIES . . .	4
ARCHBISHOP HUBERT WALTER . . .	5
PRINCE JOHN'S (LACKLAND) ACCESSION . . .	7
"NOW I AM KING OF ENGLAND" . . .	10
ANSELM'S ATTITUDE TOWARDS ROME . . .	11
CANDIDATES FOR THE VACANT ARCHBISHOPRIC .	13
INNOCENT III	14
THE POWER OF INNOCENT	15
INNOCENT'S VIEWS	16
THE CHARACTER OF INNOCENT	18
INNOCENT'S NOMINEE FOR THE ARCHBISHOPRIC OF CANTERBURY	20
STEPHEN LANGTON	22
STATUS OF A CARDINAL BEFORE 1245 A.D. . .	24
A SPLENDID APPOINTMENT	25
CONCERNING FOUR RINGS SENT BY POPE INNOCENT TO KING JOHN	28

	PAGE
THE ANGRY KING	30
PAPAL (LAWLESS) USURPATIONS	32
THE INTERDICT	33
EXILED ARCHBISHOP AND CANTERBURY MONKS	36
GENERAL OBSERVANCE OF THE INTERDICT	37
LANGTON IN EXILE AT PONTIGNY	39
EXCOMMUNICATION OF THE KING	41
THE BETTER SIDE OF JOHN'S CHARACTER	42
THE CONCILIATORY ARCHBISHOP	44
JOHN DEPOSED FROM HIS THRONE	46
PETER'S PENCE	49
HUMILIATING SURRENDER OF JOHN	50
LANGTON'S ARRIVAL IN ENGLAND	52
THE BARONS STILL DISCONTENTED	55
HEROIC LEADER REQUIRED	56
KING JOHN'S WISE ADVISERS	60
THE JUDICIOUS ARCHBISHOP	61
KING'S ATTEMPT TO WEAKEN THE INFLUENCE OF THE BARONS AND CLERGY	63
THE POPE'S AMBASSADORS	65
GROWING DEMAND FOR CHARTER OF HENRY I	68
JOHN'S ECCLESIASTICAL CHARTER, 1214	69
KING'S ATTEMPT TO PROPITIATE ARCHBISHOP LANGTON	71

CONTENTS

xi
PAGE

MAGNA CHARTA, 1215	76
TEXT OF MAGNA CHARTA WITH TRANSLATION . . .	78
LANGTON, THE KING'S COMMISSIONER AT RUNNYMEDE	126
SOCIAL ARTICLES OF MAGNA CHARTA	130
POLITICAL ASPECT OF MAGNA CHARTA	132
EXCOMMUNICATION OF THE BARONS	135
REVOCATION OF MAGNA CHARTA	137
WILLIAM DE ALBINI	140
ARCHBISHOP LANGTON'S REFUSAL TO EXCOMMUNICATE THE BARONS	141
ANARCHY	143
DISINTEGRATION OF NATIONAL PARTY	145
LOUIS, DAUPHIN OF FRANCE	147
DEATH OF KING JOHN	149
HENRY III'S ACCESSION	152
RISE OF PANDULPH	154
ARCHBISHOP LANGTON'S RETURN FROM ROME . . .	156
THE CHARTER, LANGTON'S CHIEF OBJECT	158
BISHOP HUGH OF LINCOLN	161
ROME'S DEMAND FOR PECUNIARY HELP	163
HEAVY BLOW TO ENGLISH FREEDOM	164
WHY WAS LANGTON NOT MADE A PAPAL LEGATE? .	166
ARCHBISHOP'S TREATMENT OF POPES' COMMANDS .	169

	PAGE
THE FORGED DECRETALS	172
LANGTON'S RESPECT FOR ROME	174
LANGTON : CHURCH REVIVALIST	176
DOMINICAN AND FRANCISCAN ORDERS OF MONKS	179
SOCIAL AND RELIGIOUS CONDITIONS	180
LANGTON : CHURCH RESTORER AND BUILDER	184
LANGTON : CHURCH REFORMER	185
LANGTON : SCHOLAR AND DIVINE	186
SYNOD OF OSENEY	189
LANGTON : BANISHER OF STRANGE DOCTRINE	196
LANGTON : SOCIAL REFORMER	200
LANGTON : STATESMAN-ARCHBISHOP	204
LANGTON : PATRIOT	204
CONCLUSION	210
INDEX	213

STEPHEN LANGTON

WHAT is the history centring around that great statesman-archbishop, Stephen Langton, to whom, more than to any other person, layman or clergyman, we are indebted for that famous deed, Magna Charta, which granted and secured very important liberties and privileges, not only to the Church of England, but to every order of men in the kingdom, *i. e.* to the barons, the clergy, and people generally?

The reign of John, which produced this great Englishman, marks an important epoch in the history of the English nation.

THE ARBITRARY POWER OF WILLIAM I

The Norman Conquest in the eleventh century was a principal and fatal blow to the liberties of Britain; for when William the First became sovereign, there were but few of the English nation left in the possession of their original estates. As the monarch's power was entirely arbitrary, the partial

laws of a foreign adventurer superseded those which had been instituted by the equity of Edward the Confessor, and although repeated petitions for the restoration of the liberties of England were made to the Conqueror's successors, these liberties continued to fluctuate. "When the King was weak, or in such circumstances as permitted him not to fight, the barons tried to get the liberties of the English restored, and the Prince, not knowing what to do better, put them off with fair promises, which he had no design to perform. But, under able kings, who were in prosperity, the contest was stifled, and the barons waited for a more favourable opportunity to compass their ends."

However, a charter for these liberties was issued by Henry the First, about the year 1100 A.D., wherein it is declared that the Church shall be free, that heirs shall receive their possessions unredeemed, that evil customs shall be abolished, and, in fine, relates the greater part of those privileges which we shall see the subsequent act of King John more securely confirmed.

Under the Anglo-Norman kings there had been two different races dwelling upon the English soil, speaking different languages, and possessing no common interests; but during the reign of the practically non-resident king Richard the First, John's immediate predecessor, the Saxons and Normans because fused into the English people.

THE AWAKENING OF THE BARONAGE

One illustration of this will suffice. In 1198 Richard the First, as usual, wanted money, and had exhausted all the usual means of procuring it. He accordingly directed Archbishop Hubert, Langton's immediate predecessor, to propose to the assembled bishops and barons that they should maintain for him, during his war, a force of 300 knights, to be paid a sum of 3s. per day. To the archbishop's amazement, for the first time for five and thirty years, but for the second time in English history, the demand was disputed. Again the opposition was led by a bishop, as then by St. Thomas, this time by St. Hugh. This great Hugh of Lincoln, who had won the heart of Henry the Second, Richard's father, and had treated him as an equal, now acted on behalf of the nation to which he had joined himself, for he declared that he would rather go back to his old hermit's life than lay fresh burdens on the tenants of the lands in connection with his bishopric. Herbert, the Bishop of Salisbury, followed Hugh's example. The estates of the churches were not bound, they said, to afford the King military service except within the four seas; they would not furnish it for foreign warfare. The opposition prevailed; the bishops had struck a chord which awoke the baronage. This body now, to a far greater extent than

before, consisted of men who had little interest in Normandy, were far more English in sympathy, and perhaps also in blood, than they had been under Henry the Second.

THE INFLUENCE OF THE MONASTERIES

But the sympathy of the monasteries at this time was rather in a foreign direction, for the effect of the Norman Conquest in the matter of English monasteries was peculiar and important. It owed its character indirectly to the two powerful minds that were at the head of the Church and State; Lanfranc, the Archbishop of Canterbury, saw in the monasteries societies of degenerate Benedictines; William the Conqueror, nests of anti-Norman feeling. Lanfranc tried to reform the abuses by drawing closer the rules of discipline; William sought to stifle the patriotic spirit by setting over them the tools of his strong policy. For a long time the English spirit in the monasteries maintained itself against both tyranny and reform. They hated the Norman invaders, but they had no inclination towards Rome, under whose auspices the Norman invasion had succeeded.

As the bishops and secular clergy opposed themselves to Roman centralisation, the monasteries became colonies of Roman partisans.

So long as the Pope and the King were on the same side, the monks and the nation were op-

posed to both alike; when the Pope and the King quarrelled, the nation sided with the King, the monks with the Pope; hence, the monasteries became more papal as the State became more national, and the same series of events made them less English without becoming more Norman, and more papal without becoming more loyal. Matters had reached this point in the latter years of Henry the Second, John's father.

ARCHBISHOP HUBERT WALTER

Richard the First's (John's immediate predecessor) character is illustrated in some minor points by his course in the disputes respecting the election to the archbishopric of Canterbury, and of his attitude towards the Pope of Rome. Richard would not suffer the laws of the land to be over-ridden by a rescript from Rome. He condescended to none of what St. Thomas of Canterbury called his father's mousetraps, the tricks by which that astute King managed to put his adversaries in the wrong without committing himself to a decided course. Richard forbade the execution of the mandate of Pope Innocent, instead of trying to elude it either by chicanery or by bullying. Archbishop Hubert Walter's character has suffered a good deal from his connection with Richard the First as the latter's chief adviser.

With the exception of St. Thomas, he was the only primate since the Conquest who had been chosen for any other reason than learning or sanctity; he was raised to the high position which he filled simply for secular reasons. But it should be taken into account that Hubert never enriched himself. He was not, perhaps, the best conceivable minister for Richard the First, but he was probably the best, if not the only one, possible. He was a true patriot, a man of honest purposes and pure life. He was the most popular and in some respects the greatest of the medieval statesmen, says Mr. H. W. C. Davis, in *England under the Angevins*, p. 352, who were rewarded with the primacy of the English Church. Hubert Walter had been to John, as Lanfranc to Rufus, a moderating and restraining influence, respected though disliked, and he had maintained intact the alliance and long friendship between the English Crown and the national Church which was the corner-stone of the Angevin power.

If we regard Hubert Walter as a bishop (and this is necessary in order to bring out the work of his successor, Stephen Langton) other considerations come in. The exchequer of a Norman sovereign could hardly be a good school of financial honesty, much less of theological learning. Hubert was sadly deficient in both the scholarship and the doctrinal learning that became a bishop, and such as his successor was endowed with; the state of

religion was extremely bad. There was the paralysis of discipline in the Church itself. There can be no reasonable doubt that the hands of the bishops were tied by the sufferance of appeals to Rome, contrary to the ancient custom of the realm. The great prize of the monks' ambition, the government of the Church, fell from their hands. The position occupied from henceforth by the monks of Canterbury was void of all political importance, and their action in the election of the primate was merely nominal; but this did not prevent the Christ Church, Canterbury, monks, from scheming—when the opportunity presented itself, to regain the privilege of electing to the archbishopric of Canterbury.

PRINCE JOHN'S (LACKLAND) ACCESSION

Prince John easily got himself accepted as king in 1199 A.D. It is quite true that his elder brother, Geoffrey, who had been killed at a tournament, had left a son named Arthur, and many who had become disgusted with John's government of Ireland, together with his treachery and base ingratitude to his father and elder brother, were prepared to proclaim Arthur as the next heir to the Crown of England, but it was quite in accordance with old English precedent, says Professor Tout, that his uncle, who was a grown man, should

be preferred to him. Philip of France, ever anxious to make mischief in the Angevin dominions, supported Arthur's cause; but Queen Eleanor, though now very old, used all her influence against her grandson, and in favour of her youngest son.

The better, however, to secure the voice of the English nation on behalf of John, the friends whom he had engaged to support his cause promised, in his name, a restoration of those liberties the people so earnestly desired: a confirmation of Henry the First's Charter, and a renewal of the Anglo-Saxon laws, as instituted by Edward the Confessor; and these promises, made at the commencement of a new reign, gave to the barons a stronger hope for their performance than they had hitherto entertained.

The barons were also very desirous of removing the cruel oppressions and restrictions of the Forest Laws. Mr. Lewis, in his *Historical Inquiry Concerning Forests*, says, "In those times, speaking of their regulations as being contemporary with the Feudal System, when a conqueror settled the economy of a country which he had previously vanquished, it behoved him, in order to secure his new acquisition, to keep the natives of the country (who were not his military tenants) in as humble a condition as possible; and more especially to restrain them from the use of arms; and as nothing could do this so effectually as a prohibition of hunting and shooting, it became a matter of policy

to reserve this right to himself, or to those of his capital feudatories (the greater barons), on whom he thought proper to bestow it."

Under the colour of Forest Law, Matthew of Westminster remarks of William the Conqueror (*Flores Historiarum*), "that if men disabled a wild beast, they were dispossessed and imprisoned," and in another place, "if it were a stag, a buck, or a boar, they were deprived of their eyes." King John, if we may believe the assertion of Matthew Paris, made his interdict concerning the chase wider, for he included the winged, as well as the four-footed creation.

It is not, then, surprising that there should be a strong desire on the part of the people capable of expressing themselves for the passing of Magna Charta, where it is enacted in Chapter LVI: "All evil customs concerning Forests, Warrens, and Foresters; Warreners, Sheriffs, and their Officers; Rivers and their Keepers; shall forthwith be enquired into in each County, by twelve Knights of the Shire, chosen by the most creditable persons in the same County, and upon oath, and within forty days after the said inquest, be utterly abolished, so as never more to be restored."

In the year 1200 Philip of France acknowledged John to be the rightful heir of his brother, and made Arthur do homage to his uncle for the Duchy of Bretagne.

The English barons, who had already made a demand for the privileges of Magna Charta, which were not yet granted, in the year 1201, at Whitsuntide, May 13, refused to attend John into France for the consummation of the Dauphin's marriage to his niece, Blanche of Castile, until the liberties they desired should be confirmed. The King, in return, seized upon their castles, and with Isabella of Angoulême, whom he had lately married, left England for Paris, where Philip entertained them in the most magnificent manner.

In 1203 Arthur was imprisoned at Rouen, and by his uncle's orders he was murdered. By 1205 the whole of the Duchy of Normandy passed into Philip's hands. During these events the barons had remained passive.

NOW I AM KING OF ENGLAND

When King John heard of the death of Archbishop Hubert Walter, 1205, he exclaimed: "Now I am King of England," and he invited the monks of Canterbury Cathedral to elect the Bishop of Norwich to the vacant archbishopric; they refused, saying that they had the right to choose their own archbishop, and without waiting for the *congé d'élire*, i. e. leave to elect, and without any communication from the King, a party consisting of the junior monks, thinking to steal a march on the sovereign

by a nocturnal and surreptitious election, secretly appointed Reginald, the sub-prior of the monastery, and sent him to Rome for the pallium, the distinctive badge or vestment of an archbishop; and which was regarded as an indisputable badge of metropolitan authority, although not actually essential to the validity of an archbishop's spiritual functions. But why should the pall or pallium be got from Rome at all?

ANSELM'S ATTITUDE TOWARDS ROME

When Anselm, Archbishop of Canterbury, 1095 A.D., asked leave of William the Second to go to Rome to receive this vestment from Urban, one of the two popes reigning at the same time, the King answered that he did not recognise either Urban or his rival, Clement, as Pope, and refused Anselm permission to leave the country. King Rufus, when he said that "while he lived he would endure no equal in his realm," practically confirmed the Conqueror's attitude towards the See of Rome. Even when Rufus, two years afterwards, acknowledged Urban, he did not permit Anselm to go to Rome for his pallium, but allowed him to receive it, May 27, 1095, at Canterbury, from a papal legate who had brought it from Rome. However, this did not make the Church of England Roman Catholic; it was still the national Church and

running on parallel lines, as part of the Catholic Church of Christendom, with the Church of Rome.

When Henry the First, who, after the result of the Investiture contest, which proved a victory for neither party, but a check on both, was reconciled to Anselm, he was only willing that the Pope should exercise spiritual jurisdiction in England, and he stipulated that no papal legate should enter this country without special royal licence. This does not support the statement so frequently made that the English Church was, at this time, an integral part of the Church of Rome.

Anselm's previous training had led him to uphold ideas which sought to make the bishops of Rome autocrats of a universal despotism. In such a theory patriotism finds no place. No excuse need be made for the irreligious King Rufus, nor need we doubt the piety and conscientiousness of Anselm, but as he attacked the ancient prerogatives of English kings, they did right to maintain them. There was no justification for Anselm's evidently strong desire to set up the authority of an unacknowledged pontiff over that of his lawful sovereign, and it was wrong of him to claim that the declarations of a synod of Rome, 1079 A.D., which declared that any clergy who accepted lay investiture should be excommunicated, could supplant the ancient laws and customs of England. It must be admitted, however, that Anselm's atti-

tude materially strengthened the central power of the popes against which most of Europe, and especially our own country, during Stephen Langton's occupancy of the Archiepiscopal See of Canterbury, had afterwards to struggle for national independence. This reference to one of Langton's rather remote predecessors in the See of Canterbury will enable us the more to realize the greatness of the work which he undertook on behalf of his country and its national Church.

CANDIDATES FOR THE VACANT ARCHBISHOPRIC

To return, Reginald, the nominee of the junior monks, was not at all a fit man for the vacancy, and soon showed this. So puffed up was he that, as soon as he reached the Continent, he began to assume the state of an archbishop, and could not refrain from boasting of it to every one before the election had been confirmed. His supporters, ashamed at his conduct, and alarmed for the consequences of their own intrigue, abandoned him, and joined with the rest of the monks whom the angry King compelled to elect the Bishop of Norwich, his own nominee, to the vacant archbishopric of Canterbury. Twelve of the monks of Christ Church Cathedral were then sent to Rome with a handsome present to oppose the claims of their own sub-prior—Reginald—and bring back the pallium for the Bishop of Norwich.

But in the election of the latter—John de Grey—some right by which the suffragan, but diocesan, bishops in the Province of Canterbury, claimed to be consulted, had been neglected, and they, too, sent an embassy to the Pope to guard their interests.

INNOCENT III

But who was this Pope? The answer to this question will enable us to understand the severity of the struggle and therefore the greatness of Stephen Langton in resisting so influential and powerful a potentate. He was of noble parentage—educated at Rome, Bologna, and Paris. He had a profound knowledge of scholastic philosophy, of both canon and civil law. He was a jurist, trained in the schools of Paris and Bologna. He looked at everything from the jurist's point of view, and endeavoured to reduce to a legal form and basis all the claims of the papacy. He was not personally ambitious, but fully persuaded that he was acting in accordance with the best interests of the Church and even with the plans of God in everything that he did. He believed that the government of the world was a theocracy, and that he himself was the Vicar of God on earth. Thus distinguished by birth, intellect, and attainments, on his return to Rome he rose rapidly in the Church, and, on the death of Pope Celestine the Third,

Jan. 8, 1198, on the very same day Cardinal-deacon Lotario di Signi, though not even a priest, was unanimously elected pope by the assembled cardinals. He took the name of Innocent the Third. On Feb. 21 he was ordained priest, and on the 22nd consecrated bishop. Innocent was but thirty-seven years old at the time, and the vigour of youth, guided by a master mind, was soon apparent in the policy of the papacy. The circumstances of the time being highly favourable to him, he soon restored the prestige of the Holy See in Italy.

THE POWER OF POPE INNOCENT III

The early death of Henry the Sixth (1197) had left Germany divided between rival candidates for the Crown. Henry's widow, Constance, seeing different parts of the Empire falling under the sway of the Pope, in despair acknowledged Innocent the Third as overlord of the two Sicilies, and on her death (1198) appointed him guardian of her infant son Frederick. Thus in the first year of his pontificate, Innocent had established himself as the protector of the Italian nation against foreign aggression, and had consolidated in the peninsula a secure basis on which to build up that world-power which was the characteristic feature of Innocent's pontificate.

Other popes before him, from Gregory the Seventh



onwards, had upheld the theory of the supremacy of the spiritual over the temporal authority, with various fortune, it was reserved for Innocent the Third to make it a reality. How strong and powerful this Pope was we know from the way in which he forced potentates such as Philip Augustus, King of France, to put away Agnes of Meran and to restore to his Danish wife Ingleburga, whom he had wrongfully divorced the day after marriage, the title of queen, although its honours were enjoyed in the retirement of a distant château; how Alphonso the Ninth of Leon, Sancho of Portugal, and Ladislaus of Poland, had to obey his commands in their matrimonial concerns. Just as in the affairs of the world at large, so also in those of the Church itself, Innocent's authority exceeded that of all his predecessors.

THE VIEWS OF INNOCENT III

When Hildebrand, who took the title of Gregory the Seventh, had said that the papacy was as much greater than any earthly power as the sun is than the moon, now Innocent the Third carried out this further by saying that, as the lesser light (the moon) borrows of the greater light (the sun), so the royal power is borrowed from the priestly power. Under this Pope the independent jurisdiction of metropolitans and bishops was greatly curtailed.

To prove the world-power of this Pope and of his undisputed personal ascendancy, look at the twelfth Lateran Council, 1215 A.D., which was attended by the plenipotentiaries of the emperor, of kings and princes, and by some 1,500 archbishops, bishops, abbots, and other dignitaries. And all that this great assembly virtually did was not to debate but to listen and endorse the decretals read by the Pope. His views on the papal supremacy are best explained in his own words (*Innocent III*, lib. ii. p. 209) : " The Lord left to Peter the government not of the Church only but of the whole world." To the Emperor of Constantinople, who quoted 1 Pet. ii. 13-14 (" Submit yourselves to every ordinance of man for the Lord's sake; whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well") to the contrary, he replied in perfect good faith that the apostle's admonition to obey the king as supreme was addressed to lay folk and not to the clergy.

The more intelligent laymen of the time were not convinced even when coerced. Innocent considered heresy the deadliest of sins, and its extirpation as the first of his duties. The Albigenses (France), on whom this Pope's persecution chiefly fell, held something like the doctrines of Manes—a religion really made up by himself from a mixture of Christian

and heathen nations so that they could not properly be considered as Christian at all. The Pope sent two legates with the title of inquisitors to extirpate the heresy. One of them, Castlenau, having become odious by his severities, was murdered near Toulouse, upon which Innocent addressed himself to the faithful, exhorting them to fight strenuously against the ministers of the old serpent, and promising them the kingdom of heaven as a reward. Tens of thousands were slain, and their rich and beautiful country turned into a desert. The chief leader of the crusade in the south of France was Simon de Montfort, father of that Earl Simon who is famous in the history of England.

INNOCENT'S CHARACTER

But although we cannot think well of the doctrines of the Albigenses, yet the treatment of these people was so cruel and treacherous as to raise the strongest feelings of anger and horror in all who read the accounts of it. Very possibly Innocent was much deceived by those who reported matters to him.

In spite of the latter persecution Professor Tout (*Empire and Papacy*, p. 314) eulogises Innocent the Third in the following words: "He was possessed of a majestic and noble appearance, an unblemished private character, popular manners, a disposition prone to sudden fits of anger and melancholy, and

a fierce and indomitable will. The many-sided Pontiff had not less dear to his heart the spiritual and intellectual than the political direction of the universe. He had the utmost zeal for the extension of the Kingdom of Christ. The affair of the Crusade, to rouse the Christian world for the recovery of Jerusalem, falling on deaf ears, was the bitterest grief of his life. He was sympathetic and considerate to great religious teachers, like Francis and Dominic, from whose work he had the wisdom to anticipate the revival of the inner life of the Church. If not the greatest, he was the most powerful of all the popes."

A better side also to Innocent's character is gathered from the following (Chambers's *Ency.*, p. 147)—

"It is from his letters and decretals alone that the character of the age and the true significance of the Church policy of this extraordinary man can be fully understood. However earnestly men may dissent from these views, no student of medieval history will refuse to accept Dean Milman's verdict on the career of this Pontiff that his high and blameless, and, in some respects, wise and gentle character, seems to approach more nearly than any one of the whole succession of Roman bishops to the ideal light of a supreme pontiff; and that in him, if ever, may seem to be realised the Churchman's highest conception of a Vicar of Christ."

INNOCENT'S NOMINEE FOR THE ARCHBISHOPRIC OF
CANTERBURY

Something has already been said showing the growing power of the Church of Rome as regards the monasteries in England, as well as the attitude of Anselm, and especially of this Pope concerning his extraordinary ascendancy over both spiritual and temporal princes, and yet, although, ultimately, backed by England's king, we shall see how he was braved and brooked effectively by Stephen Langton, Archbishop of Canterbury.

From our brief account of Innocent the Third we should naturally conclude that he was eager to extend his influence in every direction, and, therefore, would seize every opportunity for advancing his own claims. When, then, Innocent was consulted respecting the vacant archbishopric, he showed his power by deciding, amidst the three conflicting interests already mentioned, that Reginald the sub-prior's election was irregular, as was clearly the case, but then he declared the Bishop of Norwich's election irregular also, because it had been made before the irregularity of the previous one had been decided by the competent tribunal, and, of course, that competent tribunal or judge was himself, the Pope.

Apart from the question of irregularity of appointment the Pope refused to accept either Reginald

the sub-prior, on the ground of inefficiency, or King John's nominee, the Bishop of Norwich, who was a mere politician, on the ground that kings ought not to be concerned with the appointment of spiritual persons. Then, after both candidates had been set aside, the Pope called upon the proctors of Canterbury Cathedral, who had full powers, to elect Stephen Langton (his own nominee) to the vacant archbishopric; but the clerical ambassadors from Canterbury had sworn to accept no one but King John's nominee; they, therefore, pleaded their solemn oath, taken in the name of the Holy Trinity, to which the Pope arrogantly replied that his authority would supply all defects, and at once absolved them; then they pleaded that the right of electing the Archbishop of Canterbury was in the cathedral chapter, not in them, and that King John's consent was necessary; whereupon the Pope threatened them with excommunication. Finally, with the exception of one bold man, Elias de Brantfield, who still refused to concur, they yielded to persecution and accepted the recommendation or rather the command of Pope Innocent.

(Solus tamen ex omnibus magister Helyas de Brantefeld, qui pro parte regis et episcopi Norwicensis advenerat, noluit consentire. Cæteri autem omnes cum hymno "Te Deum laudamus" electum memoratum ad altare detulerunt.)

No doubt Stephen Langton was, at that time,

the most illustrious living churchman of English birth, and a fitter man for the archbishopric of Canterbury than either Reginald the sub-prior, or the Bishop of Norwich, the justiciary or King's chief minister.

STEPHEN LANGTON

But who was Stephen Langton? He was neither a monk nor a courtier. The date and place of his birth are unknown, although one well-known author, shortly to be referred to, definitely mentions his birthplace. From which of the many Langtons in England his family took its name there is no conclusive evidence to show. The anonymous writer in the series *Lives of the English Saints*, published in 1845, says that he "is known by the surname of Langton from the place of his birth, Langton, near Spilsby, but he produces no proof of the fact; but as there was a grant of Free Warren of this Langton in the next reign (called humbellot Langton) to a Langton, this may have given some support for the anonymous writer's statement.

Since Stephen Langton became, early in his career, a prebendary of York, and, since his brother Simon (died 1245 A.D.) was elected, although Innocent the Third would not confirm the election to that See in 1215, we may suppose the family to be of northern extraction.

Hook, in his *Ecclesiastical Biography*, vol. vi. p. 538, says that Stephen Langton was born at Langton, near Spilsby in Lincolnshire, and his family, though not illustrious, was respectable, that in addition to the offices mentioned in the next paragraph he held the office of the Dean of Rheims. In the Middle Ages it was not considered strange for a cleric to hold many stipendiary dignified posts at one and the same time.

It is certain that Langton studied at the University of Paris, became a doctor in the faculties of arts and theology, and acquired a reputation for learning and holiness which gained him a prebend in the Cathedral Church of Paris and another (already referred to) in that of York. The fact of holding two appointments in different countries at the same time illustrates to some extent the cosmopolitan character of the Medieval Church. Because of his great ability and learning Langton was made Rector Scholarum (a position corresponding to that of Vice-Chancellor of a university), *i. e.* the real Principal of the University of Paris, then the most famous school of theology in Europe, and to which students flocked from every part of Europe.

The University of Paris was, in the thirteenth century, the largest school in Europe. More than 20,000 students came there from all countries. It has given to Europe the outline of superior instruction. The English universities, Oxford and

Cambridge, have been copied from it; and when the German princes wanted to have schools in their states, all founded universities after the model of that in Paris.

But Hook says it is more than doubtful whether there was, at any time, any Chancellor of the University as distinguished from the Chancellor of the Church of Paris.

It is probable, however, that Langton exercised some of the powers which afterwards developed upon the Chancellor, for it is expressly stated by the older writers who mention his name, that he presided over and governed the schools of Paris. However, Langton continued to live in Paris and to lecture there till 1206 A.D. Pope Innocent the Third, who had been his fellow-student and friend in that city, called him to Rome and made him a cardinal-priest of St. Chrysogonus. Walter of Coventry says that Langton taught theology at Rome also, and Roger of Wendover declares that the Roman Court had not his equal for learning and moral excellence.

THE STATUS OF A CARDINAL

We are not to suppose that the office of a cardinal was, at this time, what it afterwards became. The cardinals had not assumed the red hat, with its tassels, for that, which is now regarded as the

emblem of their office, was not conceded to them till the year 1245 A.D. by Innocent the Fourth. They were not apparelled in the purple; for the purple cloak was not assigned, as their robe of office, till 1464, by Paul the Second. They were, probably, even when not consecrated to the episcopal office, permitted to officiate in pontificalibus, for this privilege had been conceded to many of the abbots, who ranked as their inferiors, and they were authorised to give the benediction, at least within their cures. They were not superior to the legates, for we shall see Pandulph, who never was a cardinal and who, during the period of his acting in England, was only sub-deacon, assuming authority over Cardinal Langton himself. They were not addressed as "your Eminence," for that title was only conceded to them by Urban the Eighth in the year 1630 A.D. But still, they alone were eligible to the papacy, according to a decree of Stephen the Fourth in 769 A.D.; and by Nicholas the Second the principle was established that by the cardinals only the pope was to be elected. They had not, as yet, assumed a position of equality with princes of royal birth, and the consistory did not exist in its present form.

A SPLENDID APPOINTMENT

The Pope praised Langton in a bull to the prior of Christ Church, Canterbury, in the words "Our

beloved son, Master de Langton, a man verily endowed with life, fame, knowledge and doctrine" (*Stephanum de Langetuna, natione Anglicum, verum profundipectoris, elegantem corpore, moribus prælectum, aptum et sufficientem in quantum est universalem ecclesiam gubernandi*).

It is clear, then, that Langton was, as has already been stated, the most illustrious living churchman of English birth when the struggle for the freedom of the See of Canterbury begins. It was an excellent appointment. The Pope was a man of the highest character for piety, judging him by the standard of his own time, and sought to exercise the vast powers which he claimed in the interests of religion, for he deprived himself of a personal friend and valuable official in order to send to Canterbury the man who seemed best fitted for the important office, and he was probably anxious for the sake of the Church to place in the seat of Augustine the first scholar of the first university of Christendom, a man on whom he could rely in the interests of religion, and whom John himself respected so much that he thrice congratulated Langton [by letter on his elevation to the cardinalate.

It might be suggested here that Innocent the Third only appointed Stephen Langton feeling that he would have such a strong and influential supporter in him, as Archbishop of Canterbury, in

bringing England into complete subjection to the papacy.

If he did, he was soon undeceived, just as Henry the Second was in regard to his friend Thomas Beckett, Archbishop of Canterbury. Anyhow, Langton did not much like the change for himself. He, no doubt, knew that the lives of the Archbishops of Canterbury were often full of troubles, and he foresaw that it would be difficult to get on with the King, and in this he was not mistaken; he very soon had a proof of it.

Innocent the Third had even reason to flatter himself that the choice would not be disagreeable to John, who had frequently spoken of Cardinal Langton in terms of the highest esteem. To obviate, however, all probable objections, he not only sent to request the King's permission that the monks might make the election at Rome, but when Stephen had been elected, dispatched other envoys to solicit his approbation of the prelate-elect. His letters, however, were detained at Dover; no answer was returned; and the Cardinal, after a decent but fruitless delay, was consecrated June 17, 1207, at Viterbo, by Innocent himself. Shortly after this the following letter was sent, entitled

“ CONCERNING FOUR RINGS SENT BY POPE
INNOCENT III TO KING JOHN.

“ To John the King of England. Of all the works of earth which the eyes of mortals covet, and which the flesh desireth, the most pure gold and precious stones have principally obtained our estimation. But however these and the like riches are to be prized, Your Royalty should abound with other excellencies; yet, nevertheless, in token of our great love and favour, We have prepared for You Four Golden Rings, with various precious stones, in which We desire you specially to understand their Form, their Number, their Material, and their Colour; inasmuch as a more excellent meaning attends the gift. Their Roundness, therefore, signifies Eternity, which is without beginning or end; and Royalty should have the virtue which is required by this form, considering that earth is the passage to heaven, and that temporality proceedeth out of eternity. Their Number of four, also, whose own number is a perfect square, signifies Firmness of mind, which is neither depressed by adversity, nor elevated by prosperity; and what is praiseworthy to be accomplished, is commonly done with the four principal Virtues; namely, Justice, Fortitude, Prudence, and Temperance. Understand, therefore, firstly, Justice, as exercised in judging; secondly, Fortitude, as shown in ad-

versity; in the third place, Prudence, as watchful in doubt; and fourthly, Temperance, as not discarded even in prosperity. For their Materials, by the fine gold is designated Wisdom, which, as gold is pre-eminent over all metals, so doth the gift of Wisdom surpass all others, as the Prophet witnesses, saying, The Spirit of Wisdom shall rest upon him, etc. Indeed, nothing is more fitting that a King should have; and accordingly the pacific King Solomon prayed of the Lord for Wisdom only, that he might know how to govern the people committed to him. Moreover in the precious stones, note that the green of the Emerald, signifies Faith; the mildness of the Sapphire, Hope; the redness of the Ruby, Charity; and the brilliancy of the Topaz, good works; of which the Lord hath said, Let your lights so shine. From these, therefore, you have in the Emerald what you should believe; in the Sapphire what you should hope; in the Ruby what you should love; and in the Topaz what you should practise; so that you may rise from virtue to virtue, until you come to the sight of the Lord of Lords in Sion.

“Given at Rome at St. Peter’s the 4th of the Calends of June” (May 29, 7th of John, 1205).

It may have been imprudent and indecorous to force a prelate on the King without waiting for his consent; but it must be confessed that the whole

proceeding was conducted according to the canons which at the time obtained the force of law, and with more attention to John's honour than many sovereigns experienced at the Court of Rome.

THE ANGRY KING

But neither the praises of Pope Innocent the Third nor the merits of Langton could satisfy or appease the angry King. John, with the hot blood common to his race, and the bad judgment peculiar to himself, rushed headlong into the quarrel from which a little circumspection would have saved him, for he chose to enter the lists against Innocent the Third, matching his own low cunning at once against the consummate diplomacy of the Roman Curia and the aspiring statesmanship of the greatest of all the popes. If Innocent had had to deal with Henry the Second, or even with Hubert Walter, he would have been met with his own weapons; the delays and evasions of the canon law would have been made serviceable on both sides; the crisis would have been a compromise. John's policy in the matter was simply the blundering, floundering, pettifogging, obstinate, and yet irresolute procedure of a violent man, devoid of real courage or counsel, and ignorant of the strength of his cause.

When the King heard of Langton's consecration

he drove the monks of Canterbury out of the country for electing without his permission, and proclaimed that any one who acknowledged Langton as Archbishop of Canterbury should be accounted a public enemy (a consequence of which was that the Archbishop's father fled into exile at St. Andrew's), and he wrote to the Pope insisting upon the confirmation of his own nominee's election, and declared that Stephen Langton should never set foot in England as primate. What marks John personally from the long list of our sovereigns, good and bad, is this, that there is nothing in him which for a single moment calls out our better sentiments; in his prosperity there is nothing that we can admire, and in his adversity nothing that we can pity. Many, most perhaps, of our other kings have had both sins and sorrows; sins for which they might allege temptations, and sorrows which are not less meet for sympathy because they were well deserved, but for John no temptations are to be pleaded in extenuation of his guilt, and there is not one moment, not one of the many crises of his reign, in which we feel the slightest movement towards sympathy. Now, King John being so utterly bad as a man and as a king, our sympathies are apt to go against him under all circumstances, but in the present case he was not without some show of right, and he justly deserves our praise on this occasion for vindicating the independence of the Church of

England and his royal rights against the world-dominating Pope Innocent the Third.

PAPAL LAWLESS USURPATIONS

Although all the appointments made by the Pope to offices in the English Church were lawless usurpations yet all of them were not necessarily bad. Sometimes, there was a deliberate intention of making a good appointment; sometimes one proved good where there had been no such intention. There can be no doubt that the thrusting of Cardinal Stephen Langton into the See of Canterbury by Innocent the Third (1207) was a violent intrusion on the rights of the English Church and also on the rights of the English King John; but the appointment of a man, so true a lover of all which was best and freest in English life, was one for which, we shall see, every Englishman to this day is thankful, if not to the Pope who made the appointment, only partially knowing his man, yet to Him who overrules this service to so signal a gain for the English Church and people.

Innocent virtually acknowledged that John had some ground of complaint, and went so far as to solicit the assent and approbation of the King, and promised, if John would acquiesce, to take care that the past transaction should not be converted into a precedent injurious to the prerogatives of

the English Crown. But the obstinacy of the monarch was not to be softened; he avowed that Langton should never set foot in England in the character of primate. The die was now cast, and the quarrel became a tower of strength between the power of the king and that of the pontiff.

King John then seized the property belonging to the cathedral and monastery of Canterbury. The Pope retorted with one of the most terrible weapons in his spiritual armoury; he threatened to place the kingdom under an Interdict. John replied that if his clergy obeyed the Interdict he would banish the whole lot of them and confiscate their goods, and that if he found any of the Roman clergy in his dominions he would send them back to Rome with their eyes plucked out and their noses slit, but this cruel threat was utterly disregarded. To Innocent's threat of Interdict, August 27, 1207 A.D., John replied in November by giving to another Stephen's prebend of York.

THE INTERDICT

The Pope knew how to thoroughly avenge himself: he did a very bold act; he now laid the kingdom of England under an Interdict, a singular form of punishment by which the person of the King was spared, and his subjects, the unoffending parties, were to suffer; for no services were to be

performed in the churches—no one could be married, baptised, or buried with Christian services until such times as King John would submit to papal authority. It might be profitable for us to remember that the excommunication of an individual cut him off from the visible Church; he was shunned by all Christian people; he might not enter a church, he must live without its sacraments, and be buried like a dog; moreover, it carried with it civil disabilities; he was outside the pale of the law; the civil power would not defend him from spoliation, robbery, or personal injury, or avenge his death; but the sentence of Interdict was passed against a whole nation. Its effect was to deprive the whole people of the offices of public religion. The following translation of the original in Wilkin's *Concilia*, i. p. 526, by Gee and Hardy, is the answer of Innocent the Third to the Bishops of London, Ely and Winchester as to the observance of the Interdict.

“ 1208. Innocent the bishop (episcopus) etc., to the Bishops, just mentioned, greeting and apostolic blessing. We reply to your inquiries, that whereas by reason of the Interdict new chrism cannot be consecrated on Maundy Thursday, old must be used in the baptism of infants, and, if necessity demand, oil must be mixed by the hand of the bishop or else priest, with the chrism, that it fail not, and although

the viaticum seem to be meet on the repentance of the dying, yet, if it cannot be had, we who read it believe that the principle holds good in this case, 'believe and thou hast eaten,' when actual need, and not contempt of religion, excludes the sacrament, and the actual need is expected soon to cease. Let neither gospel nor church hours be observed in the accustomed place, nor any other, though the people assemble in the same. Let religious men, whose monasteries people have been wont to visit for the sake of prayer, admit pilgrims inside the church for prayer, not by the greater door, but by a more secret place. Let church doors remain shut save at the chief festival of the church, when the parishioners and others may be admitted for prayer into the church with open doors. Let baptism be celebrated in the usual manner with old chrism and oil inside the church with shut doors, no lay person being admitted save the god-parents, and, if need demand, new oil must be mixed. Penance is to be inflicted as well on the whole as the sick; for in the midst of life we are in death. Those who have confessed in a suit, or have been convicted of some crime, are to be sent to the bishop or his penitentiary, and, if need be, are to be forced to this by church censure. Priests may say their own hours and prayers in private. Priests may on Sunday bless water in the churchyard and sprinkle it; and can make and distribute the bread

when blessed, and announce feasts and fasts and preach a sermon to the people. A woman after childbirth may come to church, and perform her purification outside the church walls. Priests shall visit the sick, and hear confessions, and let them perform the commendation of souls in the accustomed manner, but they shall not follow the corpses of the dead because the latter will not have church burial. Priests shall, on the day of the Passion, place the cross outside the church without ceremony, so that the parishioners may adore it with the customary devotion."

EXILED ARCHBISHOP AND CANTERBURY MONKS

Innocent had already, eight years before, used this terrible weapon of Interdict with effect against Philip Augustus, one of the ablest kings of France. The Interdict caused, as we should expect, a terrible state of things, and Simon Langton, the brother of Stephen, who was high in favour with the King, entreated him to allow the Archbishop and the exiled Canterbury monks to return to England in order that the Interdict might be taken off. The bishops of Norwich, Winchester and Bath were brave enough to disobey the Pope's command, and also joined with Simon Langton in pleading with John to yield. Not only were some bishops found who took no notice of the Interdict, but many other

individual clergymen acted the same way; and even where the Interdict was observed, the people could attend divine service on Sundays in the monasteries; marriages and churchings of women were allowed, but only at the church door; sermons, but only in the open air; children might be baptised; but the Holy Communion could be administered only to the dying.

The clergy who remained in England were many in number, and their continuance in the country was a toleration which they experienced on the sole condition that they did not observe the Interdict. In the convents of the regulars the observance of the canonical hours became a necessity for the preservation, if not of piety, yet of that regulation of time without which convents soon degenerated and became corrupt, but it was to be without singing.

THE INTERDICT GENERALLY OBSERVED

King John and Innocent were each determined to try who could hold out the longer. All prelates or clergy who obeyed the Pope were expelled from the realm and their benefices seized. This was a convenient way for the King to supply himself with money. The general confiscation or forfeiture of Church property must have relieved greatly the financial distress of the King, and during the

years when these lands were administered as part of the royal domains, we hear less of attempts at national taxation. In this the King was upheld by the bishops of Durham, Winchester and Norwich, who agreed that the Pope had no legal right to issue such an edict. But the Pope remained firm and so did King John.

The Interdict seems to have been generally observed by the clergy. The Cistercian monks at first declared that they were not bound to respect it, but they were, after a time, forced by the Pope to conform. Nearly all the bishops went into exile. Two only remained in the end, both devoted more to the King than the Church: John de Grey, Bishop of Norwich, employed during most of the time in secular business in Ireland, and Peter de Roches, appointed Bishop of Winchester 1205, destined to play a leading part against the growing liberties of the nation in the next reign, and now, as a chronicler says, occupied less in defending the Church than in administering the King's affairs.

But if the clergy were necessarily inclined to the side of the Pope during the Interdict, it was otherwise with the laity; though they feared the Pope much, they hated him more, even more, perhaps, at first than they hated the King.

Indeed, it is from this time onward that we may date the deep distrust of sacerdotal pretensions which is such a remarkable factor in the history of

such a deeply religious people as ourselves. The confiscation of the clerical lands seems to many pious laymen a regrettable but righteous retribution for the enormous wealth and greed of all orders in the Church.

Thus, although one cannot say that the sober part of the laity gave King John an enthusiastic support against Innocent, at all events it gave Innocent none against John. The result of the action of Pope Innocent the Third is generally overstated. No doubt there were many persons who believed that the Pope had such power as Innocent claimed, and therefore obeyed this injunction, but there was a large number of others, well acquainted with the struggles that the Church had made for many generations to retain its national independence against the aggrandisement of the papacy, who cared very little for the Pope's threatenings.

LANGTON IN EXILE AT PONTIGNY

But where was Stephen Langton at this time? He was at Pontigny in France, which opened its doors a second time to an exiled Archbishop of Canterbury, and it was probably his headquarters during the next five years.

A story of his having been Chancellor of Paris University during this period seems to rest upon a double confusion of persons and offices.

John opened a correspondence with Langton. A safe-conduct was offered to Simon, the Archbishop's brother, in February 1208 A.D. Of this Simon availed himself, and he was permitted to remain in England till Easter. Simon Langton had an interview with the King on March 12, 1208.

The King evidently thought himself, or wished his people to believe, that he had been hardly used. He published the result of the interview in a letter to the people of Kent.

"The King, to all the men of Kent. Know ye, that Master Simon of Langton came to us at Winchester on March 12, and, in the presence of our bishops, prayed us to receive Master Stephen Langton, his brother, as Archbishop of Canterbury. When we spoke to him of preserving our dignity in this business, his answer was, that he would do nothing for us, with respect to that, unless we placed ourselves altogether at his mercy. We inform you of this, that ye may know what ill and injury has been done to us in the matter. We command you to give credence to what Reginald of Cornhill shall tell you on our behalf concerning the aforesaid transactions between us, the said bishops and the same Simon, and concerning the execution of our precept therein 14 March, 1208 A.D. Then the King committed to Reginald of Cornhill the custody of the said bishopric."

In September 1208 John invited Stephen Langton to a meeting in England and sent him a safe-conduct for three weeks, but he addressed it not to the Archbishop of Canterbury but to Stephen Langton, Cardinal of the Roman See. Of course, Stephen could not accept it, as to do so would have been to acknowledge that his election was invalid.

Throughout these years of exile Stephen Langton's part in the struggle between Innocent and John was always that of a peacemaker. From Pontigny he addressed a letter to the English people, giving them advice and encouragement in their coming trial, and identified his own interests with theirs, and in the letter there is neither a word of personal bitterness nor of personal grievance. But in his efforts as a peacemaker there is to be found the note of mingled firmness and moderation, and this is seen in a letter to the Bishop of London empowering him to act in the primate's place against the despoilers of Canterbury, and another to the King, warning him of the evils he was bringing upon his realm and offering an immediate relaxation of the Interdict if he would come to a better mind.

EXCOMMUNICATION OF THE KING

John was then threatened with excommunication, but as there were no bishops left in the country who were acting in the interests of the Pope, and

John took care that there should be no means of making any proclamation of the impending sentence in his kingdom, he was not to be moved.

So, when Innocent launched, in 1209 A.D., a bull of excommunication, John was able successfully to watch the ports and keep the outrageous bit of sheepskin out of the country, and the Pope had to be content with the formal publication of King John's excommunication in France.

Though excommunication may have inconvenienced the King a little, it did not, at first, trouble him much, except that it made him still more bitter against the Pope. For some years the Interdict continued, but each year the tyrannies and exactions of John increased so much that to escape from them the clergy and barons decided to ask the Pope to adopt still stronger measures. Although excommunication did not trouble the King much, it so affected Geoffrey, Archdeacon of Norwich, one of the judges of the Court of Exchequer, that he at once left the Court with some expression about the danger of serving an excommunicated king. John had him thrown into prison and a leaden cope put over his head, and by this and other severe usage put an end to Geoffrey's life.

THE BETTER SIDE OF JOHN'S CHARACTER

Miss Bateson, in *Medieval England*, p. 149, tries hard to show a better side to the King's character,

for she says: "John sought to make up for his life's irregularities by regular and liberal almsgiving; if he had irreligious convictions, he had not the courage of them. Very steadily did the paupers, by hundreds and even thousands, reap their penny apiece because the King or other ministers, led astray by him, ate meat twice on a fast-day. He fed 350 poor men because he had good sport one day and took seven cranes. Many were fed 'for the souls of his father and brother Richard, that the prayers of the beggars who had dined might release their souls from purgatory.' But many were the disappointed religious, who looked in vain for a handsome gift from the King to their church in return for hospitalities received. King John has hardly had justice done to him as a book-lender, and therefore, possibly, a book-lover. The extracts from the close-rolls have long been in print which show him ordering a copy of the *Romance of English History*, and acknowledging 'the receipt of six books,' the Old and New Testaments, and other works from the Abbot of Reading. That such works were not John's daily reading we may well believe, but the records show the nature of the Court library and the orderly arrangements for the loan and return of books." But in spite of his charity to the poor, King John's character was so bad that he was hated by the people; barons, clergy, and nobles of all degrees dreaded his entrance into their houses.

It really seemed as if he would do anything, however mean or cruel, to get money. It is said that on one occasion he had all the teeth of an unfortunate Jew taken out one by one in order to make him give up his treasures.

On another occasion there came to the King, on the borders of Wales, officers of one of the sheriffs, leading a robber with his hands bound behind his back, who had robbed and killed a priest, and they asked the King what should be done to him. "He has killed one of my enemies; loose him and let him go," ordered John. Such a man was not likely to get much support from the majority of his people.

THE CONCILIATORY ARCHBISHOP

Towards the close of 1209 A.D. Langton sent his steward to John with overtures for a reconciliation; this time the King responded by letters patent, inviting my lord of Canterbury to a meeting at Dover, but John came no nearer than Chilham.

On December 20, 1209 A.D. Archbishop Langton consecrated Hugh of Wells to the bishopric of Lincoln, the latter having gone to the former for that purpose in defiance of the King's order that he should be consecrated by the Archbishop of Rouen. Next year John tried again to lure Stephen across the Channel, and offered to submit to the Pope, to acknowledge Langton as Primate, to

restore the exiled clergy, and to pay a limited sum as compensation for the rents of the confiscated clerical estates.

The Archbishop of Canterbury demanded not only restitution in full but also would only respond to the invitation on the fulfilment of three conditions: (1) that he should have a safe-conduct in proper form, (2) that, once in England, he should be allowed to exercise his archiepiscopal functions there, and (3) that no terms should be required of him save those proposed on his last visit to Dover.

King John's reply came in the shape of an unacceptable because irregular safe-conduct.

Instead of letters patent, according to custom, letters were closed and accompanied with a warning from English nobles which resulted in Stephen's immediate return to France. Dr. Hook gives the following as showing the conciliatory temper of Langton, and how willing he was to make a sacrifice of everything merely personal for the sake of peace. It was written when the negotiations between the Archbishop and the King were almost but not entirely concluded.

"Stephen, by the grace of God, Archbishop of Canterbury, Primate of all England, Cardinal of the Church of Rome, to all who shall see this charter, greeting. Know all of you that we do not wish that anything which is done by our

dear Lord John, the King of England, or by us, touching the election, or the confirmation, or the consecration of the elect of Rochester, which can be hurtful to our aforesaid Lord, or to his heirs, either in seisin or in right, which he declares himself to have in the advowson of the Bishop of Rochester. Moreover, we wish it to be established, if the peace is not concluded which is spoken of between him and us, and if the peace is concluded, the charter which the aforesaid King respecting the advowson, etc., shall be firmly established, we have confirmed them by this charter and our seal. Dated at Winchester the first year of the relaxation of the general Interdict of England, January 20."

JOHN DEPOSED FROM HIS THRONE

Langton's country's growing misery shows him in contrast to the former exiled Archbishop of Canterbury (Anselm) at Pontigny, for, after addressing to the English a protest he was moved, in 1212 A.D., along with the Bishops of London and Ely, to urge upon Innocent the necessity of taking energetic measures for putting an end to the wretched state of affairs in England; and in adopting this extreme measure he had consistently adopted towards John as conciliatory an attitude as his duty to the Church would allow, and had more than once, as we have already seen, entered upon negotiations for a peaceful compromise. The Pope had now a standing army, the result mainly of the Crusades, and with

this army he was in the habit of fighting against kings and emperors as if he were a temporal prince; he could, therefore, enforce his will by an appeal to arms, as John very well knew. The embassy mentioned resulted in bringing, January 1, 1213, a sentence of deposition declaring John deposed from his throne and absolving the King's subjects from their allegiance; and also granting the forfeited kingdom to Philip Augustus, King of France, who was not, as we have seen, generally an obedient servant of the Pope, but now that it suited his purpose he obeyed with considerable alacrity. John, on his side, called out the military force of the kingdom; every ship in his kingdom capable of carrying six horses was brought to Portsmouth harbour, and the sheriffs of counties summoned to the coast of Kent all persons who were able to bear arms. The King, however, had not the means of maintaining the vast forces thus collected from fear of invasion; and they were reduced to 60,000 men, out of whom, Matthew Paris observes, there was scarcely one on whose fidelity he could depend, though the same historian calls them enough to have defied all the powers of Europe, if they had felt any loyalty towards their sovereign; but the tyrant, after eight years' obstinacy, we see, dared not trust his own subjects, and in spite of his scoffing disregard of religion he trembled at the papal excommunication (and, therefore, his own despair of salvation), the dire

effects of which he saw in the downfall of his nephew, the Emperor Otto of Germany, his dread of the King of France, his doubts of his own barons, some of whom he knew to be perfidious, but above all he dreaded the fulfilment of the prophecy of Peter of Wakefield, that on the approaching feast of the Ascension he should be no longer king, and also realising that he would stand no chance against the combined power of Philip, King of France, and Pope Innocent the Third; he now passed from the height of insolence to the lowest prostration of fear, and secretly sent the Abbot of Beaulieu to Pandulph, the legate or clerical ambassador whom the Pope had sent as his representative with the French invading force, to offer his submission to the Pope, and he agreed to receive Stephen Langton as Archbishop of Canterbury. But Pope Innocent required more than this. He forced the terrified King to surrender his crown, robes, sword, and ring to his legate, Pandulph, May 13, 1213; and to receive them back after a day or two as a favour from the Pope, and also to sign a charter in which King John said "that, not constrained by fear, but of his own free will," he agreed to hold these dominions as feudatory or as a servant of the Church of Rome, "and as a sign, moreover, of this our perpetual obligation and concession," John said, "we will and establish that from the proper and especial revenues of our aforesaid kingdoms, for all the services and customs which we ought to render to

them, saving in all things the penny of St. Peter, the Roman Church shall receive yearly 1000 marks sterling, viz. at the feast of St. Michael 500 marks, and at Easter 500 marks—700 namely for the kingdom of England and 300 for the kingdom of Ireland—saving to us and our heirs our rights, liberties and regalia.”

PETER'S PENCE

Peter's Pence, by the way, amounted to £199 8s., paid from the different dioceses in the following proportions, “as I,” says Lingard (*History of England*, vol. iii. p. 33), “transcribed from the *Ex Regist Antent, Innocent III*, in the Vatican library.”

	£	s.
Canterbury	7	18
Rochester	5	12
London	16	10
Norwich	21	10
Ely	5	0
Lincoln	42	0
Chichester	8	0
Winchester	17	8
Exeter	9	5
Worcester	10	5
Hereford	6	0
Bath	11	5
Salisbury	7	0
Coventry	10	5
York	11	10
	<u>£189</u>	<u>8</u>

Either the £199 8s. given as the total of Peter's Pence is a misprint, or a sum of £10 has been omitted from one of the contributing dioceses. It will be noticed that the extreme northern dioceses of Durham and Carlisle are not mentioned in this list.

HUMILIATING SURRENDER OF JOHN

In addition to the payment of 1000 marks and Peter's Pence, John agreed that if he or his successors should revoke or infringe the charter they should forfeit all right to their dominions. Thus was John humiliated, and in the indignant language of the historian, Matthew Paris, "thus did he make a charter to be abhorred throughout all ages."

John's Oath of Fealty, May 15, 1213, as translated by Gee and Hardy, is as follows—

"I, John, by the grace of God, King of England and lord of Ireland, from this hour forward will be faithful to God and the blessed Peter and the Roman Church and my lord the Pope Innocent and his successors following in Catholic manner; I will not be party in deed, word, consent, or counsel, to their losing life or limb or being unjustly imprisoned. Their damage, if I am aware of it, I will prevent, and will have removed if I can, or else, as soon as I can, I will signify it or will tell such persons as I shall believe will tell them certainly. Any counsel they entrust to me immediately or by their messenger

or their letter, I will keep secret, and will consciously disclose to no one to their damage. The patrimony of the blessed Peter, and specially the realms of Ireland, I will aid to hold and defend against all men to my ability. So help me God and these holy Gospels.

“Witness myself at the house of the Knights of the Temple, near Dover, in the presence of the lord H. Archbishop of Dublin—G. Fitz-Peter, Earl of Essex, our justiciar, etc.”

It is needless to say that no English king had ever stooped, or was ever to stoop as low as this; and equally needless to say that no great Council of English barons had been called to sanction such a grovelling transaction.

Even Cardinal Gasquet (*Henry III and the Church*, p. 4) says, “it is by no means clear that the King’s assertion, that he had had the full assent of his people in making his submission, is quite correct. It is hard to see how such an assent could have been obtained, and there is little doubt that to many churchmen, like Cardinal Langton, the surrender of any ‘overlord,’ even were he the Pope himself, was eminently distasteful. Moreover, in after years it was plainly asserted that the nation had never consented to King John’s act, and that even Stephen (Langton) the Archbishop had stood against.”

LANGTON'S ARRIVAL IN ENGLAND

The exiled prelates returned to Dover in triumph, with Langton at their head, July 16, 1213. The King went forth to meet them at Porchester, threw himself on the ground before the Archbishop with a "Welcome, father," and he entreated the prelates to have compassion on him.

When England heard and realised what its king had done it tingled with a sense of shame. "The King has become the Pope's man," the people cried. "he has degraded himself to the level of a serf."

This transaction heaped eternal infamy on the memory of John, but, around and about this time, it was not an uncommon thing for kings to acknowledge the overlordship of other kings and of the Pope as an earthly monarch. Thus, only nine years before this period Peter, King of Arragon, had voluntarily become the vassal of Pope Innocent the Third, binding himself and his successors to pay the Holy See 250 ounces of gold yearly.

William the Lion, King of Scotland, acknowledged the overlordship of Henry the Second by the ignominious treaty of Falaise, from which he was absolved on payment of a sum of money to the absentee King Richard the First of England. We must judge the doings of the people at this time by the general standard of international conduct in Europe at the time. It would be interesting to

know how many of those who suggested John's surrender to the Pope were included among those who, two years afterwards, resisted the papal bull which declared the Great Charter null and void.

But the King's surrender was to some extent politic or prudent, for it prevented for a time another foreign invasion. The King of France had already raised an army to invade England, but when it came to the point, the English people, much as they hated John, were too patriotic to see their country given into the hands of a foreigner, and John's submission, already referred to, put an end to the matter.

After making submission to the papal legate at Dover, May 15, 1213, John remained in Kent, Sussex, and Hampshire, preparing for an expedition to France, on which, as he was still excommunicate, says Stubbs (*Select Charters*, p. 286), the barons refused to accompany him.

The Pope ordered the King of France and his son to desist from their intended invasion of England, as it had now become the patrimony of St. Peter; to which the King of France replied that he had spent £60,000 to enforce the Pontiff's sentence, but that he would turn his power upon Flanders for some indemnity; swearing that France should become Flanders or Flanders France. Langton, in his eagerness to forgive, overleapt the bounds of the Pope's instructions and the usual forms of

ecclesiastical procedure, and without more ado he performed his first episcopal acts in England on Sunday, July 20, 1213, by absolving his King in the chapter house of Winchester Cathedral and afterwards celebrating Mass in his presence and giving him the kiss of peace, but the Interdict was not removed until the papal legate was satisfied with the restitution John had made.

In the chapter house just mentioned, Stephen Langton, Archbishop of Canterbury, gave the King, after absolution from his excommunication, the book of the Gospels to hold whilst he took the following oath administered to him by the Prelate. "That he would diligently defend the ordinances of the Holy Church, and that his hand should be against all her enemies; that the good laws of his ancestors, and especially those of King Edward the Confessor, should be recalled, and evil ones destroyed; and that his subjects should receive justice according to the upright decrees of his courts. He likewise swore that all corporations and private persons whom the Interdict had damaged (Thomson, *Magna Charta*, p. 11) should receive a full restitution of all which had been taken away, before the time of the approaching Easter, if his Sentence of Excommunication were first removed. He swore, moreover, fidelity and obedience to Pope Innocent and his Catholic successors, and that he would give them that superiority which

was already in writing. King John now probably thought that, being freed from the ecclesiastical outlawry under which he had so long lived, the night of his misfortunes was passed, that Pope Innocent would support him, and that his barons would now cease to contend for the liberties of Magna Charta.

THE BARONS STILL DISCONTENTED

Even after Langton's removal of the papal censure from John, the northern barons still refused to accompany him to Normandy. Their new plea was that the tenure on which they held their lands did not compel them to serve abroad; they added that they were already exhausted by expeditions within England.

On August 4, 1213, Stephen Langton was present at a Council at St. Albans, where the promises of amendment with which John purchased absolution were renewed by the Justiciar, Fitz-Peter, in the King's name, and directions for the fulfilment of these promises were laid on the sheriffs, for at this assembly, which was attended by not only the Archbishop, but bishops and barons, and the reeve and four men out of each of the King's demesne townships, it was ordered *quatenus leges Henrici avi sui ab omnibus in regno custodirentur, i. e.* as far as possible the laws of Henry his grandfather should be kept by all in the kingdom.

What those laws were does not seem to have been ascertained until the 25th of the same month, when the Archbishop produced the Charter of Henry the First (*Stubbs-Rolls*, p. 474).

After John set out with his mercenaries to punish by force of arms the refusal of his northern magnates (McKechnie, *Magna Charta*, p. 35) to follow him to the Continent, Stephen Langton opened, August 25, 1213, a Council of Churchmen at Westminster with a sermon on the text, "My heart hath trusted in God and I am helped, therefore my heart greatly rejoiceth."

"Thou liest," cried one of the crowd, "thy heart never trusted in God and thy heart never rejoiced."

The interrupter was seized and beaten until rescued by officers of justice. Then the Archbishop resumed his discourse. This incident shows to some extent the popularity of Langton, and the unpopularity of the King's attitude. The Archbishop had, it seems, especially invited certain lay barons to be present at the council.

AN HEROIC LEADER REQUIRED

There was a terrible lawless state of things existing, and to remedy this by repressing and checking the extortions both of the King and barons, Langton tried to have a good set of laws made, and to get the King to promise to obey them. When King John

was absolved from the excommunication pronounced by the Pope, he had promised to observe the laws of Edward the Confessor, but no one knew what those laws were, but Langton searched the archives of the nation and produced the Charter of Henry the First which stipulated what privileges the barons and prelates respectively might claim for their order. This he laid before the private council of nobles, held, according to Stubbs, Cutts and Professor Adams, at St. Paul's, but according to the *National Biography*, vol. xxxii. at Westminster (Davis, H. W. C., *Eng. under Angevins*, in a footnote, says the conference at St. Paul's, August 25, 1213, Ramsay suspects as apocryphal), which was called ostensibly to determine what use Langton should make of his power to grant partial relaxation of the Interdict still casting its blight over England; and which could not be finally lifted until the legate arrived with fuller powers.

No doubt when the assembly of the commons of the royal demesne met the bishops and barons, under Fitz-Peter at St. Albans, the three estates learned much of each other's desires, and we cannot question that when Langton at St. Paul's expounded to the clergy the great Charter of Henry the First, he pointed out the duty there enforced, that they should do to their vassals as they would have the King do to them, hence the growth of co-operation between the barons and the commons.

The one hope for the opposition lay in appealing through Archbishop Langton to the people; it might be that the head of the National Church, by ancient custom regarded as the King's first counsellor and the protector of the poor, would be able to arouse those whom the "head of the Church Catholic" had ordered to be subservient. At the council just referred to the Archbishop found himself recognized as the leader of the barons. He at once raised the struggle (Davis, *Eng. under Angevins*, p. 371) to a higher plane by pressing them to accept as their programme the recently unearthed Charter of Henry the First—a document in which the liberties of all classes were equally secured; and thus transformed a feudal rising into a national agitation, and caused claims of special privileges to fall into the background behind broad principles of justice. "Ye have heard, when at Winchester, before the King was absolved, I compelled him to swear that the existing evil statutes should be destroyed, and that more salutary laws, namely, those of King Edward the Confessor, should be observed by the whole kingdom. In support of these things are ye now convened; and I here disclose to you a newly-discovered Charter of King Henry the First of England, the which if ye are willing to support, your long-lost liberties may be restored in all their original purity of character." The Prelate then proceeded to read the Charter with a loud voice, which

so animated the minds of the barons present that with the greatest sincerity and joy they declared themselves ready to die for these liberties. "Swear it," said Archbishop Langton, and they swore to fight for those liberties, if it were needful, even unto death.

If it be asked why the laws of Henry the First were substituted for those of Edward the Confessor, the answer is easy. The latter could be collected only from the doubtful testimony of tradition; but it was assumed that they had been embodied in the Charter which Henry the First had granted at his accession.

But why did not the barons themselves find this Charter? Although Henry the First's Charter, as Matthew Paris relates, was sent in the year 1100 to all the English counties, and deposited in all the principal monasteries, yet, in a little more than a century afterwards it was so rare that a single copy of that instrument could scarcely be found. King John professed himself unacquainted with its contents, but the whole kingdom was rejoiced to find a precedent on which they might found a new charter. Among the barons were men of very various sorts, some who had personal aims merely, some who were fitted by education, accomplishments and patriotic sympathies for national champions, and some who were carried away by the general ardour, but apparently there was no one to effectively organise and

consolidate them until Stephen Langton threw himself on their side and gave them courage and prudent guidance, together with the sanction of religion which religious men (professionally at least) of that period, I think, so much desired. And in this attitude, the Archbishop proved himself not only a statesman and a patriot, but also a hero, especially when we take into account that he had to deal with a King whose attitude towards statesmen was cruel, revengeful and ungrateful, for when Fitz-Peter, the justiciary—a man whom John feared—had died, October 2, 1213, during the latter's absence in France, he laughed at the news imparted to him: "It is well," said he, "in hell he may again shake hands with Hubert, our late primate, for surely he will find him there. By God's teeth (Stubbs says "by the feet of God") now for the first time I am King of England."

KING JOHN'S WISE ADVISERS

It may not be out of place to say that from the beginning of his reign John was only saved from disaster, according to Professor Tout, by the restraining influence exercised over him by three wise advisers. His mother, Eleanor, secured his succession to the whole of the Angevin Empire; Hubert Walter, the Archbishop of Canterbury, kept up some sort of terms between him and the Church; the Justiciar,

Geoffrey Fitz-Peter, managed, despite many obstacles, to carry on the internal government of England on the lines laid down by Henry the Second. As time went on, the removal of these three faithful friends left John free to follow his own caprice, and in each case his personal action involved him in humiliation and disaster.

The death of Eleanor, 1204 A.D., was quickly followed by the loss of Normandy, 1204-6 A.D. The death of Hubert Walter soon led to the mortal quarrel with the Church. When Fitz-Peter died, 1213 A.D., John blundered into a quarrel with his English subjects which cost him his greatest and last humiliation.

Although John had been humiliated by becoming the Pope's man, he was destined to pass through a series of more humiliating circumstances than had ever yet fallen to the lot of any other monarch. He had arrived at the stage when he was equally odious and contemptible, both in public and private life, for he had grievously hurt the barons by his insolence, dishonoured their families by his licentious gallantries, enraged them by his tyranny, and given discontent to all ranks of men by his endless exactions and impositions.

THE JUDICIOUS ARCHBISHOP

Under these circumstances, therefore, it was a very good thing indeed for England that Langton was

able to come and take up work as Archbishop of Canterbury, for unlike the Pope, whose object seemed to be to thoroughly subject England and its National Church to his will, the Archbishop gave ear to the popular cry for redress of political grievances, and persisted, as we shall soon see, in associating with the baronial opposition, even after he was ordered by Innocent the Third to excommunicate the barons as disturbers of the peace; and, although a friend of the Pope's, would not allow him to interfere so completely between bishops and King as he had been in the habit of doing of late years.

Thus it was soon seen that Archbishop Langton was a man who knew how to manage affairs, for whilst he was powerful he was also judicious. He must have greatly astonished both the King and the Pope by his line of conduct. Considering the enormous trouble which Innocent the Third had taken to obtain the primacy for him, we might have expected Langton to uphold the papal claims, but as soon as he had entered upon the temporalities of his see, he adopted an independent attitude towards the cruel and offensive King on the one hand and the unbrookable Pope on the other.

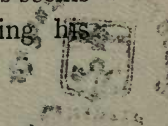
One reason for this attitude was that Langton, being a true Englishman, was hugely patriotic in refusing to do anything which would dishonour his country or injure his countrymen—or harm the National Church.

Now in this constitutional conflict Stephen showed himself "the soul of the movement" (*Catholic Cyclo*), and this appears very clearly from the strong action he took, as we have already seen, in the council of St. Paul's, for when the King, who had just landed from France and was advancing as far as Northampton, was about to wreak vengeance by military execution on the barons for their disobedience during the late quarrel, he was overtaken by the Archbishop, who firmly insisted on their right to be tried and judged by their peers, and added that if John refused them this justice he would deem it his duty to excommunicate all, except the King, who took part in this impious warfare. "Rule you the Church," replied John to Langton, "and leave me to govern the State."

THE KING'S ATTEMPT TO WEAKEN THE INFLUENCE OF THE BARONS AND THE CLERGY

John apparently continued his journey as far north as Durham, but returned to meet the new papal legate Nicholas, to whom he performed the promised homage; and, repeating the formal act of surrender, October 1213 A.D., he completed his alliance with the Pope.

Rome never quite forgave Langton for absolving the King, July 20, 1213. The legate Nicholas seems to have taken a spiteful pleasure in asserting, his



superiority to the Archbishop of Canterbury in every way. By his own legatine authority he degraded the Abbot of Westminster, and in other ways acted in a most arbitrary manner. John, who hated Langton, was entirely on the side of the legate. So that the detested Archbishop was humbled, John cared for nothing. The second resignation of England, just now referred to, took place at Westminster, before the Peers and Ecclesiastics, when a new instrument of concession was drawn up and sealed with gold, instead of wax, like the former, in order to give additional value to its authority.

The character of Langton here shows in a beautiful light; his mind was so much affected by beholding the kingdom yielded a second time into the hands of a capricious priest, and seeing it would militate considerably against the liberties he wished to secure, that in the presence of all he declared his solemn protest against these proceedings and laid that protestation on the altar before them.

As most, if not all, of the great magnates were against him, the King saw it would be well to strengthen his position by support of the class beneath them in the feudal scheme of society. Perhaps it was this which led John to broaden the basis of the National Assembly. The Great Council which met at Oxford, November 15, 1213, was made notable by the presence, in addition to the crown tenants, of representatives of the various counties.

Miss Norgate lays stress on the fact that these writs were issued after the death of the great justiciary, Geoffrey Fitz-Peter, and before any successor had been appointed—John, she argues, acted on his own initiative, and is thus entitled to the credit of being the first statesman to introduce representatives of the counties into the National Assembly. The importance of this precedent need not be obscured by the selfish nature of the motives to which it was due. Knights who were tenants of mesne lords (Miss Norgate says “yeomen”) were invited to act as a counterpoise to the barons. The peace between the King and subjects which had followed upon the submission to Rome was not of long duration. Difficulties soon began to arise between the bishops and Crown as to certain ecclesiastical appointments made by a papal legate.

THE POPE'S AMBASSADORS

But who were these legates? They were ambassadors or deputies sent by the Pope into foreign countries to charge people to respect and obey as they would respect and obey the Pope himself. Generally speaking, these legates usually made themselves hated by their pride and greediness, for they set themselves up far above the archbishops and bishops of any country that they might be sent into, and they squeezed out from the clergy of each

country which they visited the means of keeping up their pomp and splendour.

Now the Pope's legate, Nicholas of Tusculum, after receiving John's deed of surrender at St. Paul's, October 3, 1213, was authorised to fill up vacancies to benefices, and gave great offence by appointing many ill-qualified men, on the advice of the King's clerks and ministers, without conferring with Archbishop Langton and the bishops.

Some of the parish churches he bestowed on his own clerks, without any regard to the rightful patron.

The Archbishop lodged an appeal against these high-handed proceedings, but the legate employed Pandulph to thwart it. Pandulph depreciated the Primate and his suffragans to the Pope, representing them as too grasping in their demands for restitution and opposed to the royal authority. John, on the other hand, although described as the most submissive and modest of kings, and deserving of much favour, yet it was only with spiritual artillery that Pope Innocent the Third assisted him.

The tension almost reached the snapping point. According to Cardinal Gasquet (*Henry III and the Church*), Langton summoned his suffragan bishops (diocesan), the abbots and other prelates of the Province of Canterbury to meet him at Dunstable in the early part of January 1214 A.D.; and there complaints were made against the papal legate

Nicholas' action, and, at the request of the Assembly, Archbishop Langton, who could not endure the interference of a papal legate in the National Church of England, appealed to the Pope (who was evidently quite misinformed by another legate, Pandulph, as to the real state of affairs in England, and was completely ignorant of John's true character) against such uncanonical, unchurchlike intrusions, and he inhibited the legate Nicholas in 1214 A.D. from making further appointments to churches and abbeys. The time was now come for all the powers in Church and State to unite in resisting the combined efforts of the King and the Pope to overthrow the constitutional rights and liberties of the English people.

Langton now turned his attention to the King, who refused to keep his promise and restore the Church revenues which he had abstracted from benefices and bishoprics. Instead of repaying the Church moneys, John told Pope Innocent that he would take the vows of a crusader, and persuaded him to relieve him from more than half of the money he had agreed to pay, that is, in return for his subservience the Pope reduced the amount of money King John had agreed to pay to the clergy from 100,000 to 40,000 marks, and removed the interdict, June 29, 1214.

But this second abject submission to the papacy the King made only when he saw the clergy and

barons under Archbishop Langton and Robert Fitz-Walter at the head of what was called the Army of God and Holy Church, for barons and people and the better half of the clergy were alike furious; the removal of the Interdict, glad as every one was at that, counted for nothing against such a humiliation. Then, getting more bold still, John declared that he took back his promise to observe the old English laws, and in this he felt sure of the Pope's support. But he had overreached himself now; this was "the last straw," this was more than the barons and prelates could bear.

The defeat at Bouvines (France), August 27, 1214 A.D., one of the most memorable battles of the Middle Ages, by which Otto the Fourth, John's nephew, Emperor of Germany, retired to Brunswick, resigned his crown, and ended his days in obscurity, broke all the measures of John, who solicited and obtained from Philip, King of France, a truce for five years, and returned from an inglorious campaign in France to an inglorious contest in England.

GROWING DEMAND FOR THE CHARTER OF HENRY THE FIRST

At Bury St. Edmunds, November 4, 1214, the barons met as if for prayer, but in addition to this they had sworn to demand the Charter of Henry the

First, and were prepared, after Christmas, to force the King to grant their claims, for "it was agreed," says Matthew Paris, "that after the Nativity of our Lord, they should come to the King in a body, to desire a confirmation of the liberties before mentioned. And that in the meantime they were to provide themselves with horses and arms in the like manner—that if the King should perchance break through that which he had specially sworn (which they well believed), and recoil by reason of his duplicity, they would instantly, by capturing his castles, compel him to give them satisfaction."

It was probably as an attempt to separate the clergy from the barons that John issued, November 21, 1214, the following charter respecting the right of chapters to elect their bishops, and of the monasteries to elect their abbots—a charter confirmed by the Pope, but it failed to sow dissension in the National party.

JOHN'S ECCLESIASTICAL CHARTER, 1214 A.D.

The Interdict was relaxed, June 29, 1214, and the damages of the Church assessed. The charter, issued in November 1214 and reissued in January 1215 A.D., and confirmed by the Pope, is as follows:—

"John, by the grace of God, King of England,

etc., to the archbishops, earls, etc., and to all who shall see or hear these letters, greeting. Since by the grace of God, of the mere and free-will of both parties, there is full agreement concerning damages and losses in the time of the Interdict, between us and our venerable fathers, Stephen, Archbishop of Canterbury, Primate of all England, and Cardinal of the Holy Roman Church, and Bishops of London, Ely, Hereford, Bath and Glastonbury, and Hugh of Lincoln. We wish not only to make satisfaction to them, as far as in God we can, but also to make sound and beneficial provision for all the Church of England for ever; and so whatsoever custom has been hitherto observed in the English Church, in our own times and those of our predecessors, and whatsoever rights we have claimed for ourselves hitherto in the elections of any prelates, we have, at their own petition, for the health of our soul and the souls of our predecessors and successors, Kings of England, freely of our mere and spontaneous will, with the common consent of our barons, granted and constituted and by this our present charter have confirmed that henceforth in all and singular the churches and monasteries, cathedral and conventual, of all our Kingdom of England, the elections of all prelates whatsoever, greater or less, be free for ever, saving to ourselves and to our heirs the custody of vacant churches and monasteries which belong to us.

“ We pronounce also that we will neither hinder nor suffer nor procure to be hindered by our ministers that in all and singular the churches and monasteries mentioned after the prelacies are vacant, the electors should, whenever they will, freely set a pastor over them, yet so that leave to elect be first asked of us and our heirs, which we will not deny nor defer. And if by chance, which God forbid, we should deny or defer, let the electors, none the less, proceed to make a canonical election, and likewise, after the election is concluded, let our assent be demanded, which in like manner we will not deny, unless we put forth some reasonable excuse and lawfully prove it by reason of which we should not consent. Wherefore we will and firmly forbid that when churches or monasteries are vacant, any one in anything proceed or presume to proceed in opposition to this our charter. But if any do ever at any time proceed in opposition to it, let him incur the curse of Almighty God, and our own.

“ These being witnesses—Peter, Bishop of Winchester.” (Here follow the names of twelve barons.)

THE KING'S ATTEMPT TO PROPITIATE ARCHBISHOP LANGTON

It was also probably with a view of propitiating Archbishop Langton that this reform was now

proposed, by which the King intended to make what had been before a sham into a reality.

In this war we see Stephen Langton as a bishop fighting for the independence of his Church as well as an Englishman fighting for the liberty of his country.

John was probably well aware of what took place at St. Edmunds after he had left. He held what must have been an anxious Christmas at Worcester (always a favourite resting-place of this king) but tarried only for a day, hastening to the Temple, London, where the proximity of the Tower would give him a feeling of security. There, January 6, 1215, a deputation from the insurgents met him without disguising that their demands were backed by force. These demands, they told him, included the confirmation of the laws of King Edward, with the liberties set forth in Henry's Charter.

On the advice of the Archbishop and the Marshal, who acted as mediators, John asked for a truce till Easter, which was granted in return for the promise that he would then give reasonable satisfaction.

Archbishop Langton, the Marshal and the Bishop of Ely were named as the King's securities.

On January 15, 1215 A.D., John re-issued the Charter to the Church, and demanded a renewal of homage from all his subjects. The sheriffs in each county were instructed (McKechnie, *Magna Charta*,

p. 39) to administer the oath in a specially stringent form, all Englishmen must now swear to "stand by him against all men." John now enlisted himself as a crusader, and both parties in the meantime consulted the Pope.

Eustace de Vesci, as spokesman of the malcontents, asked Pope Innocent, as overlord of England, to compel John to restore the ancient liberties, and claimed consideration on the ground that John's surrender to the Pope had been made under pressure put on the King by them—all to no effect. Then in April the Northern barons, convinced that the moment for action had arrived, met in arms at Stamford, with 200 knights, their esquires and followers. The King lay at Oxford, and commissioned the Archbishop of Canterbury, and the Earls of Pembroke and Warenne, to go and ascertain their demands. They brought him back a list of grievances which they said, "the King must redress or we will do it for ourselves"; and as soon as he heard it read, he exclaimed, "They might as well have demanded my crown; do they think I will grant them liberties which will make me a slave?"

There was now no patience left to the barons with John's promises and evasions; they took the field with Fitz-Walter at their head, in defence of their rights.

In 1211 died Samson, of pious memory, the Abbot

who had prosperously ruled the great abbey of Bury St. Edmunds, committed to him for thirty years, and had freed it from a load of debt. This Abbot was succeeded by Hugh de Northwold, who, in 1228, became Bishop of Ely. The King had kept the abbatial property in his hands for a whole year before allowing the community to proceed to an election, and even when the leave to elect came, difficulties arose about the "free choice" of the monks, which caused further delays, and it was not until March 10, 1215, that the question was decided in Hugh de Northwold's favour.

Even then the difficulties were not at an end, and it was only on June 9, 1215 A.D., that he was received by the King to do homage. By this time, however, he had already been blessed by Archbishop Langton on May 17. The Archbishop had thought that in view of the commotion which had arisen between the King and the barons, it was necessary that the Abbot of St. Edmundsbury should be blessed without delay, and so put himself in a position to act with other ecclesiastics with full abbatial power should events so demand. It was on May 17, after his benediction at Rochester, that the news came from London that the city had fallen into the hands of the barons; and when the King consented to receive the Abbot on June 10, he did so in "Staines Meadow."

King John found himself deserted by nearly everybody — seven knights only remaining true to him. The whole nation, he saw, was in arms against him. What should he do? He felt it was no use to struggle, and therefore suggested that the matter should be referred to the Pope, but the sympathies of Innocent the Third had already been only too clearly manifested, and the offer was scornfully refused. "No," said the resolutely patriotic Archbishop Langton, "this is a national affair, and must be decided by the nation." The Archbishop of Canterbury, representing the King, although still nominally neutral, but known to be in full sympathy with the rebels, wrote out the laws, which the English people generally demanded should be in vogue, on a large sheet of parchment, and induced John to meet the barons and bishops in order that this should be signed by him in their presence.

The King was then at Windsor, and he met the barons and bishops at a place called Runnymede, which was our Marathon, a meadow on the bank of the river Thames,

Where England's ancient barons, clad in arms
And stern with conquest, from their tyrant king
(There rendered tame) did challenge and secure
The charter of our freedom.

And there and then signed the Great Charter which

is the "Keystone of English liberty" and the first actual limitation of the royal prerogative.

MAGNA CHARTA, 1215

But, first, what does "Charta" mean? The Latin *charta*, *carta*, from the Greek *χάρτης*, signified originally papyrus, material writing, thence transferred to paper and from this material to the document; in Old English *boc*, book, a written instrument, contract or convention by which cessions of sales of property or rights and privileges are confirmed and held, and which may be produced by those granted to that they ought to have lawful possession. In modern usages grants by charter have become all but obsolete, though in England this form is still employed in the recognition by the Crown of such societies as the College of Preceptors.

"The Charter in question is called Magna Charta," says Sir Edward Coke, "not that it is great in quantity, for there be many voluminous charters commonly passed, specially in these later times, longer than this is; nor, comparatively, in respect that it is greater than Charta de Foresta, but in respect of the great importance and weightiness of the matter, as shall hereafter appear. As the gold-finer will

not out of the dust, threads or shreds of gold, let pass the least crumb, in respect of the excellency of the metal, so ought not the learned reader to let pass any syllable of THIS LAW in respect of the excellency of the matter."

MAGNA CHARTA

seu

CHARTA DE LIBERTATIBUS REGIS JOHANNIS

Concessus Die Junii Quinto Decimo, A.D. 1215

In anno regni septimo decimo.

In archivis ecclesiae cathedralis Lincolniensis
asservata.

Johannes Dei Gratia,

Rex Angliae-Dominus

Hiberniae, Dux Normanniae

et Aquitaniae, Comes Andegaviae,

Archiepiscopis, Episcopis, Abbatibus,

Comitibus, Baronibus, Justiciariis,

Forestaris, Vicecomitibus, Praepositis,

Ministris, et omnibus Ballivis, et fidelebus suis.
Salutem, Sciatis Nos, intuitu Dei, et pro salute
animae nostrae, et omnium antecessorum, et
heredum nostrorum, ad honorem Dei, et exalta-
tionem Sanctae Ecclesiae, et emendationem Regni
nostri, per consilium venerabilium patrum nostro-
rum Stephani Cantuariensis Archiepiscopi, Toli-
us Angliae Primatis et Sanctae Romanae Ecclesiae
Cardinalis, Henrici Dublinensis Archiepiscopi.
Willielmi Londoniensis, Petri Wintoniensis, Josce-

MAGNA CHARTA

or

THE GREAT CHARTER OF KING JOHN,

Granted June 15, A.D. 1215.

In the seventeenth year of his reign.

Translated from the original preserved in the
archives of Lincoln Cathedral.

John, by the Grace of God,

King of England, Lord of

Ireland, Duke of

Normandy and Aquitaine, Earl of Anjou,

to his Archbishops, Bishops, Abbots,

Earls, Barons, Justiciaries,

Foresters, Sheriffs, Governors,

Officers, and to all Bailiffs, and his faithful subjects. Greeting, Know ye, that We, in the presence of God, and for the salvation of our own soul, and of the souls of our ancestors, and of our heirs, to the honour of God, and the exaltation of the Holy Church, and amendment of our kingdom, by the counsel of our venerable fathers, Stephen, Archbishop of Canterbury, Primate of all England, and Cardinal of the Holy Roman Church, Henry Archbishop of Dublin, William of London, Peter of

lini Bethoniensis of Glastoniensis, Hugonis Lincoln-
iensis, Walteri Wigorniensis, Willielmi Coventrensis,
Benedicti Roffensis, Episcoporum; Magistri Pandulphi Domini Papae Subdiaconi et familiaris, Fratris Eimerici, Magistri Militiae Templi in Anglia, et nobilium virorum Willielmi Marescalli Comitis Pembrochia, Willielmi Comitis Sarisburiae, Willielmi Comitis Warreniae, Willielmi Comitis Arundelliae Alani de Galweia Constabularii Scotiae, Warin, filii Geroldi, Huberti de Burgo Senescalli Pictaviae, Petri filii Hereberti, Hugonis de Nevillae, Matthei filii Hereberti, Thomae Basset, Alani Basset, Philippi de Albiniaco, Roberti de Roppelay, Johannis Marescalli, Johannis filii Hugonis, et aliorum fidelium nostrorum; In primis concessisse Deo, et hac presenti Charta nostra confirmasse pro nobis et heredibus nostris in perpetuum:—

I. Quod Anglicana Ecclesia libera sit, et habeat jura sua integra et libertates suas illaesas, et ita volumus observari, quod apparet ex eo quod libertatem electionum, que maxima, et magis necessaria reputatur Ecclesiae Anglicanae, mera et spontanea voluntate, ante discordiam inter nos et Barones nostros motam, concessimus, et charta nostra confirmavimus, et eam obtinuimus, a Domini papa Innocentio Tertio confirmari: quam et nos observavimus, et ab heredibus nostris in perpetuum bona fide volumus observari. Concessimus etiam omni-

Winchester, Joscelyne of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, Bishops; Master Pandulph our Lord the Pope's Subdeacon and familiar, Brother Almeric, Master of the Knights-Templars in England, and of these noble persons, William Mareschal Earl of Pembroke, William Earl of Salisbury, William Earl of Warren, William Earl of Arundel, Alan de Galloway Constable of Scotland, Warin Fitz-Gerald, Hubert de Burgh Seneschal of Poictou, Peter Fitz-Herbert, Hugh de Nevil, Matthew Fitz-Herbert, Thomas Basset, Alan Basset, Philip de Albinac, Robert de Roppel, John Mareschal, John Fitz-Hugh, and others our liegemen; have in the first place granted to God, and by this our present Charter, have confirmed for us and our heirs for ever :—

I. That the English Church shall be free, and shall have her whole rights and her liberties inviolable; and we will this to be observed in such a manner that it may appear from thence, that the freedom of elections, which was most requisite to the English Church, which we granted, and by our Charter confirmed, and obtained the confirmation of the same, from our Lord Pope Innocent the Third, before the rupture between us and our Barons, was of our own free will; which Charter we shall observe, and we will it to be observed with good faith, by

bus liberis hominibus regni nostri, pro nobis et haeredibus nostris in perpetuum, omnes libertates subscriptas, habendus et tenandas eis et haeredibus suis de nobis et haeredibus nostris.

II. Si quis Comitum vel Baronum nostrorum, sive aliorum tenentium de nobis in capite per servitium militare, mortuus fuerit, et cum decesserit haeres suus plene aetatis fuerit, et relevium debeat, habeat haereditatem suam per antiquum relevium; scilicet, haeres vel haeredes Comitis, de Baronia Comitis integra, per centum libras: haeres vel haeredes Baronis, de Baronia integra, per centum libras; haeres vel haeredes Militis, de Feodo Militis integro, per centum solidos, ad plus; et qui minus debuerit, minus det, secundum antiquam consuetudinem feodorum.

III. Si autem haeres alicujus talium fuerit infra aetatem, et fuerit in custodia, cum ad aetatem pervenerit, habeat haereditatem suam sine relevio et sine fine.

IV. Custos terrae hujusmodi haeredis qui infra aetatem fuerit, non capiat de terra haeredis nisi rationabiles exitus, et rationabiles consuetudines, et rationabilia servitia, et hoc sine destructione et vasto hominum vel rerum. Et si nos commiserimus custodiam alicujus talis terrae Vicecomiti, vel alicui alii qui de exitibus illius nobis respondere

our heirs for ever. We have also granted to all the Freemen of our Kingdom, for us and our heirs for ever, all the underwritten liberties to be enjoyed and held by them and their heirs, from us and from our heirs.

II. If any of our Earls or Barons, or others who hold of us in chief by military service, shall die, and at his death his heir shall be of full age, and shall owe a relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an Earl, a whole Earl's Barony for one hundred pounds; the heir or heirs of a Baron for a whole Barony, by one hundred pounds; the heir or heirs of a Knight, for a whole Knight's fee, by one hundred shillings at most; and he owes less, shall give less, according to the ancient custom of fees.

III. But if the heir of any such be under age, and in wardship, when he comes to age he shall have his inheritance without relief and without fine.

IV. The warden of the land of such heir who shall be under age, shall not take from the lands of the heir any but reasonable issues, and reasonable customs, and reasonable services, and that without destruction and waste of men or goods. And if we commit the custody of any such lands to a Sheriff, or any other person who is bound to us for the issue

debeat, et ille destructionem de custodia fecerit vel vastum, nos ab illo capiemus emendam, et terra committatur duobus legalibus et discretis hominibus de feodo illo, qui de exitibus respondeant nobis, vel ei cui eos assignaverimus. Et si dederimus vel vendiderimus alicui custodiam alicujus talis terrae, et ille destructionem inde fecerit vel vastum, amittat ipsam custodiam; et tradatur duobus legalibus et discretis hominibus de feodo illo, qui similiter respondeant nobis sicut praedictum est.

V. Custos autem, quamdiu custodiam terrae habuerit, sustinet domos, parcos, vivaria, stagna, molen-dina, et caetera, ad terram illam pertinentia, de exitibus terrae ejusdem, et reddat haeredi cum ad plenum aetatem pervenerit, terram suam totam, instauratam de carrucis et waignigiis, secundum quod tempus waignigii exiget, et exitus terrae rationabiliter poterunt sustinere.

VI. Haeredes maritentur absque disparagatione, ita quod antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius haeredis.

VII. Vidua, post mortem mariti, sui statim et sine difficultate, habeat maritagium et haereditatem suam: nec aliquid det pro dote sua, vel pro maritagio suo, vel haereditate sua, quam haeredi-

of them, and he shall make destruction or waste upon the ward-lands we will recover damages from him, and the lands shall be committed to two lawful and discreet men of that fee, who shall answer for the issues to us, or to him to whom we have assigned them. And if we shall give or sell to any one the custody of any such lands, and he shall make destruction or waste upon them, he shall lose the custody. And it shall be committed to two lawful and discreet men of that fee, who shall answer to us in like manner as it is said before.

V. But the warden, as long as he hath the custody of the lands, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things belonging to them, out of their issues: and shall restore to the heir when he comes of full age, his whole estate, provided with ploughs and other implements of husbandry, according as the time of wainage shall require, and the issues of the lands can reasonably afford.

VI. Heirs shall be married without disparagement, so that before the marriage be contracted, it shall be notified to the relations of the heir by consanguinity.

VII. A widow, after the death of her husband, shall immediately, and without difficulty have her marriage and her inheritance, nor shall she give anything for her dower, or for her marriage, or for

tatem maritus suus et ipsa tenuerint die obitus ipsius mariti; et maneat in domo mariti sui per quadraginta dies post mortem ipsius, infra quos assignetur ei dos sua.

VIII. Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito; ita tamen quod securitatem faciat quod se non maritabit, sine assensu nostro de nobis tenuerit, vel sine assensu domini sui de quo tenuerit, si de alio tenuerit.

IX. Nec nos nec Ballivi nostri, saisiemus terram aliquam nec redditum pro debito aliquo, quamdiu catalla debitoris sufficiunt ad debitum reddendum; nec plegii ipsius debitoris distringantur, quamdiu ipse capitalis debitor sufficit ad solutionem debiti, et si capitalis debitor defecerit in solutione debiti, non habeus unde solvat, plegii respondeant de debito, et si voluerint, habeant terras et redditus debitoris, donec sit eis satisfactum de debito quod ante pro eo solverint, nisi capitalis debitor monstraverit se esse quietum inde versus eosdem plegios.

X. Si quis mutuo coeperit aliquid a Judeis, plus vel minus, et moriatur antequam debitum illud solvatur, debitum non usuret quamdiu haeres fuerit infra aetatem de quocumque teneat; et si debitum

her inheritance, which her husband and she held at the day of his death; and she may remain in her husband's house forty days after his death, within which time her dower shall be assigned.

VIII. No widow shall be distrained to marry herself, while she is willing to live without a husband; but yet she shall give security that she will not marry herself without our consent, if she hold of us, or without the consent of the lord of whom she does hold, or if she hold of another.

IX. Neither we nor our Bailiffs will seize any land or rent for any debt, while the chattels of the debtor are sufficient for the payment of the debt; nor shall the sureties of the debtor be distrained, while the principal debtor is able to pay the debt; and if the principal debtor fail in payment of the debt, not having wherewith to discharge it, the sureties shall answer for the debt, and if they be willing, they shall have the lands and rents of the debtor, until satisfaction be made to them for the debt which they had before paid for him, unless the principal debtor can show himself acquitted thereof against the said sureties.

X. If any one hath borrowed anything from the Jews, more or less, and die before that debt be paid, the debt shall pay no interest so long as the heir shall be under age, of whomsoever he may hold; and if that debt shall fall into our hands, we will

illud inciderit in manus nostras, nos non capiemus nisi catallum contentum in charta.

XI. Et si quis moriatur et debitum debeat Judeis, uxor ejus habeat dotem suam, et nihil reddat de debito illo; et si liberi ipsius defuncti qui fuerint infra aetatem, remanserint, provideantur eis necessaria secundum tenementum quod fuerit defuncti, et de residuo solvatur debitum, salvo servitio dominorum. Simili modo fiat de debitis que debentur aliis quam Judeis.

XII. Nullum scutagium vel auxilium ponatur in regno nostro, nisi per commune consilium regni nostri; nisi ad corpus nostrum redimendum, et primogenitum filium nostrum militem faciendum, et ad filiam nostram primogenitam semel maritandam; et ad haec non fiat nisi rationabile auxilium.

XIII. Simili modo fiat de auxiliis de civitate Londonii. Et Civitas Londonii habeat omnes antiquas libertates, et liberas consuetudines suas, tam per terras quam per aquas. Praetera volumus et concedimus quod omnes aliae Civitates, et Burgi, et Villae, et Portus, habeant omnes libertates et liberas consuetudines suas.

XIV. Et ad habendum commune consilium regni, de auxilio assidendo, aliter quam in tribus casibus

not take anything except the chattel contained in the bond.

XI. And if any one shall die indebted to the Jews, his wife shall have her dower and shall pay nothing of that debt; and if children of the deceased shall remain who are under age, necessities shall be provided for them, according to the tenement which belonged to the deceased; and out of the residue the debt shall be paid, saving the rights of the lords (of whom the lands are held). In like manner let it be with debts owing to others than Jews.

XII. No scutage nor aid shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem our person, to make our eldest son a knight, and once to marry our eldest daughter, and not for these, unless a reasonable aid shall be demanded.

XIII. In like manner let it be concerning the aids of the City of London. And the City of London should have all its ancient liberties, and its free customs, as well by land as by water. Furthermore, we will and grant that all other Cities, and Burghs, and Towns, and Ports, should have all their liberties and free customs.

XIV. And also to have the common council of the kingdom, to assess and aid, otherwise than in

praedictis, vel de Scutagio assidendo, summoneri faciemus Archiepiscopos, Episcopos, Abbates, Comites, et Majores Barones, sigillatim, per liberas nostras. Et praeterea, faciemus summoneri in generali per Vicecomites et Ballivos nostros, omnes illos qui de nobis tenent in capite, ad certum diem, scilicet, ad terminum quadraginta dierum, ad minus, et ad certum locum; et in omnibus literis illius summonitionis causam summonitionis exprimemus; et sic facta summonitione, negotium ad diem assignatum procedat, secundum consilium illorum qui presentes fuerint, quamvis non omnes summoniti venerint.

XV. Nos non concedemus de caetero, alicui, quod capiat auxilium de liberis hominibus suis, nisi ad corpus suum redimendum, et ad faciendum primogenitum filium suum militem, et ad primogenitam filiam suam semel maritandam; et ad haec non fiat nisi rationabile auxilium.

XVI. Nullus distringatur ad faciendum majus servitium de Feodo Militis, nec de alio libero tenemento, quam in debetur.

XVII. Communia placita non sequantur curiam nostram, sed teneantur in aliquo certo loco.

XVIII. Recognitiones de Nova Dissaisina, de Morte Antecessoris, et de Ultima Presentatione,

the three cases aforesaid; and for the assessing of Scutages, we will cause to be summoned the Archbishops, Bishops, Abbots, Earls and great Barons, individually, by our letters. And besides we will cause to be summoned in general by our Sheriffs and Bailiffs, all those who hold of us in chief, at a certain day, that is to say at the distance of forty days, (before their meeting) at the least, and to a certain place; and in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who had been summoned have not come.

XV. We will not give leave to any one, for the future, to take an aid of his own free-men, except for redeeming his own body, and for making his eldest son a knight, and for marrying once his eldest daughter, and not that unless it be a reasonable aid.

XVI. None shall be distrained to do more service for a Knight's Fee, nor for any other free tenement, than what is due from thence.

XVII. Common Pleas shall not follow our court, but shall be held in any certain place.

XVIII. Trials upon the Writs of Novel Disseisin, of Mort d'Ancestre (death of the ancestor) and

non capiantur nisi in suis comitatibus, et hoc modo :—
Nos, vel si extra regnum fuerimus, Capitalis Justiciarius noster, mittemus duos Justiciarios per unumquemque comitatum per quatuor vices in anno, qui cum quatuor militibus cujuslibet comitatus, electis per comitatum, capiant in comitatu, et in die et loco comitatus, assisas praedictas.

XIX. Et si in die comitatus assisae praedictae capi non possint, tot milites et liberae tenentes remaneant de illis qui interfuerint comitatui die illa per quos possint sufficienter judicia fieri, secundum quod negotium fuerit majus vel minus.

XX. Liber homo non amercietur pro parvo delicto, nisi secundum modum delicti; et pro magno delicto, amercietur secundum magnitudinem delicti, salvo contenemento suo, et Mercator eodem modo, salva mercandisa sua, et villainus eodem modo amercietur, salvo waignaigio suo, si inciderint in misericordiam nostram; et nulla praedictarum misericordiarum ponatur, nisi per sacramentum proborum hominum de visneto.

XXI. Comites et Barones non amercientur nisi per Pares suos, et non nisi secundum modum delicti.

Darrien Presentment (last presentation), shall not be taken but in their proper counties, and in this manner. We, or our Chief Justiciary, if we are out of the kingdom, will send two Justiciaries into each county, four times in the year, who, with four knights of each county, chosen by the county, shall hold the aforesaid assizes, within the county on the day and at the place appointed.

XIX. And if the aforesaid assizes cannot be taken on the day of the county court, let as many knights and freeholders, of those who were present at the county court remain behind, as shall be sufficient to do justice, according to the great or less importance of the business.

XX. A free-man shall not be amerced for a small offence, but only according to the degree of the offence; and for a great delinquency, according to the magnitude of the delinquency, saving his contenement; a Merchant shall be amerced in the same manner, saving his merchandise, and a Villein shall be amerced after the same manner, saving to him his wainage, if he shall fall into our mercy; and none of the aforesaid amerciaments shall be assessed, but by the oath of honest men of the vicinage.

XXI. Earls and Barons shall not be amerced but by their Peers, and that only according to the degree of their delinquency.

XXII. Nullus Clericus amercietur de laico tenemento suo, nisi secundum modum aliorum praedictorum, et non secundum quantitatem beneficii sui ecclesiastici.

XXIII. Nec villa nec homo distringatur facere pontes ad riparias, nisi qui ab antiquo, et de jure, facere debent.

XXIV. Nullus Vicecomes, Constabularius, Coronatores, vel alii Ballivi nostri, teneant placita coronae nostrae.

XXV. Omnes comitatus et Hundredi, Trethingii, et Wapentachii, sint ad antiquas firmas, absque ullo incremento, exceptis Dominicis maneriis nostris.

XXVI. Si aliquis teneus de nobis laicum feodum moriatur, et Vicecomes vel Ballivus noster, ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit, liceat Vicecomiti ve Ballivo nostro attachiare et imbreviare catalla defuncti inventa in laico feodo, ad valentiam illius debiti, per visum legalium hominum, ita tamen quod nihil inde amoveatur, donec persolvatur nobis debitum quod clarum fuit; et residuum relinquatur executoribus ad faciendum testamentum defuncti et si nihil nobis debeatur ab ipso, omnia catalla cedant defuncto, salvo uxore ipsius et pueris rationabilibus partibus suis.

XXII. No Clerk shall be amerced for his laytenement, but according to the manner of the others as aforesaid, and not according to the quantity of his ecclesiastical benefice.

XXIII. Neither a town nor any person shall be distrained to build bridges or embankments, excepting those which anciently, and of right are bound to do it.

XXIV. No Sheriff, Constable, Coroners, nor other of our Bailiffs, shall hold pleas of our Crown.

XXV. All Counties, and Hundreds, Trethings, and Wapentakes, shall be at the ancient rent, without any increase, excepting in our Demesne-manors.

XXVI. If any one holding of us a lay-fee dies, and the Sheriff or our Bailiff, shall show our letters-patent of summons concerning the debt which the defunct owed to us, it shall be lawful for the Sheriff or our Bailiff to attach and register the chattels of the defunct found on that lay-fee to the amount of that debt, by the view of lawful men, so that nothing shall be removed from thence until our debt be paid to us; and the rest shall be left to the executors to fulfil the will of the defunct, and if nothing be owing to us by him, all the chattels shall fall to the defunct, saving to his wife and children their reasonable shares.

XXVII. Si aliquis liber homo intestatus decesserit, catalla sua per manus propinquorum parentum et amicorum suorum, per visum Ecclesiae distribuantur; salvis unicuique debitis quae defunctis ei debebat.

XXVIII. Nullus Constabularius vel alius Ballivus noster, capiat blada vel alia catalla alicujus, nisi statim inde reddat denarios, aut respectum inde habere possit de voluntate venditoris.

XXIX. Nullus Constabularius distringat aliquem Militem ad dandum denarios pro custodia castri, si facere voluerit custodiam illam in propria persona sua, vel per alium probum hominem, si ipse eam facere non possit propter rationabilem causam; et si nos duxerimus vel miserimus eum in exercitu, erit quietus de custodia secundum quantitatem temporis quo, per nos, fuerit in exercitu.

XXX. Nullus Vicecomes vel Ballivus noster, vel aliquis alius, capiat equos vel caretas alicujus liberi hominis pro carragio faciendo, nisi de voluntate ipsius liberi hominis.

XXXI. Nec nos, nec Ballivi nostri, capiemus alienum boscum ad castra vel alia agenda nostra, nisi per voluntatem ipsius cujus boscus ille fuerit.

XXVII. If any free-man shall die intestate, his chattels shall be distributed by the hands of the nearest relations and friends, by the view of the Church, saving to every one the debts which the defunct owed.

XXVIII. No Constable nor other Bailiff of ours shall take the corn or other goods of any one, without instantly paying money for them, unless he can obtain respite from the free-will of the seller.

XXIX. No Constable (Governor of a Castle) shall distrain any knight to give money for castle guard, if he be willing to perform it in his own person, or by another able man, if he cannot perform it himself, for a reasonable cause, and if we have carried or sent him into the army, he shall be excused from castle guard, according to the time that he shall be in the army by our command.

XXX. No Sheriff nor Bailiff of ours, nor any other person shall take the horses or carts of any free-man, for the purpose of carriage, without the consent of the said free-man.

XXXI. Neither we, nor our Bailiffs, will take another man's wood, for our castles or other uses, unless by the consent of him to whom the wood belongs.

XXXII. Nos non tenebimus terras illorum qui convicti fuerint de feloniam, nisi per unum annum et unum diem, et tunc reddantur terrae dominis feodorum.

XXXIII. Omnes Kidelli de caetero deponantur penitus de Thamesia et de Medeway, et per totam Angliam, nisi per costeram maris.

XXXIV. Breve quod vocatur Praeceptum, de caetero non fiat alicui de aliquo tenemento, unde liber homo possit amittere curiam suam.

XXXV. Una mensura vini sit per totum regnum nostrum, et una mensura cervisiae, et una mensura bladi, scilicet quartarium Londonii; et una latitudo pannorum tinctorum, et russettorum, et halbergettorum, scilicet duae ulnae infra listas. De ponderibus autem sit ut de mensuris.

XXXVI. Nihil detur vel capiatur de caetero pro Brevis Inquisitionis de vita vel membris; set gratis concedatur et non negatur.

XXXVII. Si aliquis teneat de nobis per Feodum Firmam, vel per Socagium, vel per Burgagium; et de alio terram teneat per Servitium Militare, nos non habebimus custodiam haeredis nec terrae suae

XXXII. We will not retain the lands of those who have been convicted of felony, excepting for one year and one day, and then they shall be given up to the lord of the fee.

XXXIII. All Kydells (weirs) for the future shall be quite removed out of the Thames, and the Medway, and through all England, excepting upon the sea coast.

XXXIV. The writ which is called Praeceptum, for the future shall not be granted to any one of any tenement, by which a free-man may lose his court.

XXXV. There shall be one measure of wine throughout all our kingdom, and one measure of ale, and one measure of corn; namely, the quarter of London; and one breadth of dyed cloth, and of russets, and of halberjects, namely, two ells within the lists. Also it shall be the same with weights as with measures.

XXXVI. Nothing shall be given or taken for the future for the Writ of Inquisition of life or limb; but it shall be given without charge, and not denied.

XXXVII. If any hold of us by Fee-Farm, or Socage, or Burgage, and hold land of another by Military Service, we will not have the custody of the heir, nor of his lands, which are of the fee of

est de feodo alterius, occasione illius Feodi-Firmae, vel Socagii, vel Burgagii; nec habebimus custodiam illius Feodi-Firmae, vel Socagii, vel Burgagii, nisi ipsi Feodi-Firma debeat Servitium Militare.

Nos non habebimus custodiam haeredis vel terrae alicujus, quam tenet de alio per Servitium Militare, occasione Parve Serjanterie quam tenet de nobis per servitium reddendi nobis cultellos, vel sagittas, vel hujusmodi.

XXXVIII. Nullus Ballivus ponat de caetero aliquem ad legem, simplici loquela sua, sine testibus fidelibus ad hoc inductis.

XXXIX. Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur; nec super eum ibimus, nec super eum mitemus, nisi per legale iudicium parium suorum, vel per legem terrae.

XL. Nulli vendemus, nulli negabimus, aut differimus, rectum aut justitiam.

XLI. Omnes Mercatores habeant saluum et securum exire ab Anglia, et venire in Angliam, morari et ire per Angliam, tam per terram quam per aquam, ad emendum et vendendum, sine omnibus malis toltis, per antiquas et rectas consuetudines; praeterquam in tempore guerraе, et si sint de terra

another, on account of that Fee-Farm, or Socage, or Burgage; nor will we have the custody of the Fee-Farm, Socage or Burgage, unless the Fee-Farm owe Military Service.

We will not have the custody of the heir, nor of the lands of any one, which he holds of another by Military Service, on account of any Petty-Sergeantry which he holds of us by the service of giving us daggers, or arrows, or the like.

XXXVIII. No Bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for that purpose.

XXXIX. No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

XL. To none will we sell, to none will we deny, to none will we delay right or justice.

XLI. All Merchants shall have safety and security in coming into England, and going out of England, and in staying and in travelling through England, as well by land as by water, to buy and sell, without any unjust exactions, according to ancient and right customs, excepting in the time of war, and if they

contra nos guerrina: et si tales inveniantur in terra nostra in principio guerrae, attachientur sine dampno corporum et rerum, donec sciatur a nobis, vel Capitali Justiciario nostro, quomodo Mercatores terrae nostrae tractentur, qui tunc invenientur in terra contra nos guerrina; et si nostri salvi sint ibi, alii salvi sint in terra nostra.

XLII. Liceat unicuique de caetero, exire de regno nostro, et redire salvo et secure per terram et per aquam, salva fide nostra, nisi tempore guerrae, per aliquod breve tempus, propter communem utilitatem regni; exceptis imprisonatis et utlagatis, secundum legem regni; et gentae de terra contra nos guerrina, et Mercatoribus de quibus fiat sicut praedictum est.

XLIII. Si quis tenuerit de aliqua escaeta, sicut de Honore de Wallingeford; Notingehamiae, Bononii, Lancastriae, vel de aliis escaetis quae sunt in manu nostra, et sunt Baroniae, et obierit, haeres ejus non det aliud relevium, nec faciat aliud nobis servitium quam faceret Baroni, si Baronia illa esset in manu Baronis; et nos eodem modo eam tenebimus quo Baro eam tenuit.

XLIV. Homines qui manent extra forestam, non veniant, de caetero, coram Justiciariis nostris de

be of a country at war against us : and if such are found in our land at the beginning of a war, they shall be apprehended without injury of their bodies and goods, until it be known to us, or to our Chief Justiciary, how the Merchants of our country are treated who are found in the country at war against us ; and if ours be in safety there, the others shall be in safety in our land.

XLII. It shall be lawful to any person, for the future, to go out of our kingdom, and to return, safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom, excepting prisoners and outlaws, according to the laws of the land, and of the people of the nation at war against us, and Merchants who shall be treated as it is said above.

XLIII. If any hold of any escheat, as of the Honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hand, and are Baronies, and shall die, his heir shall not give any other relief, nor do any other service to us, than he should have done to the Baron, if that Barony had been in the hands of the Baron ; and we will hold in the same manner that the Baron held it.

XLIV. Men who dwell without the Forest, shall not come, for the future, before our Justiciaries of

Foresta, per communes summonitiones; nisi sint in placito, vel plegii alicujus, vel aliquorum qui attachiati sint pro Foresta.

XLV. Nos non faciemus Justiciarios, Constabularios, Vicecomites, vel Ballivos, nisi de talibus qui sciant legem regni, et eam bene velint observare.

XLVI. Omnes Barones qui fundaverunt Abbantias, unde habent cartas Regum Angliae, vel antiquam tenuram, habeant earum custodiam cum vacaverint, sicut habere debent.

XLVII. Omnes Forestae quae afforestate sunt tempore nostro, statim de afforestentur; et ita fiat de Ripariis quae per nos tempore nostro posite sunt in defenso.

XLVIII. Omnes males consuetudines de Forestis et Warrennis, et de Forestariis et Warrennariis, Vicecomitibus et eorum ministris, Ripariis et earum custotibus, statim inquirantur in quolibet comitatu, per duodecim Milites juratos de eodem comitatu, qui debent eligi per probos homines ejusdem comitatus, et infra quadraginta dies post inquisitionem factam, penitus, ita quod nunquam revocentur, deleantur per eosdem, ita quod nos hoc prius sciamus vel Justiciarius noster, si in Anglia non fuerimus.

the Forest on a common summons; unless they be parties in a plea, or sureties for some person or persons who are attached for the Forest.

XLV. We will not make Justiciaries, Constables, Sheriffs or Bailiffs, excepting of such as know the laws of the land, and are well disposed to observe them.

XLVI. All Barons who have founded Abbeys, which they hold by charters from the Kings of England, or by ancient tenure, shall have the custody of them when they become vacant, as they ought to have.

XLVII. All Forests which have been made in our time, shall be immediately disforested; and it shall be so done with Water-banks, which have been fenced in by us during our reign.

XLVIII. All evil customs of Forests and Warrens, and of Foresters and Warrenners, Sheriffs, and their officers, Water-banks and their keepers, shall immediately be inquired into by twelve Knights of the same county, upon oath, who shall be elected by good men of the same county; and within forty days after the inquisition is made, they shall be altogether destroyed by them, never to be restored; provided that this be notified to us before it is done, or to our Justiciary, if we be not in England.

XLIX. Omnes obsides et cartas statim reddemus quae libertate fuerunt nobis ab Anglicis in securitatem pacis, vel fidelis servitii.

L. Nos amovebimus penitus de balliis parentes Gerardi de Atyes, quod de caetero nullam habeant balliam in Anglia; Engelardum de Cygonii, Andream, Petrum, et Gyonem de Cancelli, Gyonem de Cygonii, Galfridum de Martini, et fratres ejus, Philippum Marci, et fratres ejus, et Galfridum nepotem ejus, et totam sequelam eorundem.

LI. Et statim post pacis reformationem, amovebimus de regno omnes alienigenas milites, balistarios, servientes stipendarios, qui venerint cum equis et armis ad nocumentum regni.

LII. Si quis fuerit dissaisitus vel elongatus per nos, sine legali judicio parium suorum, de terris castallis, libertatibus, vel jure suo, statim ea ei restituemus; et si contentio super hoc orta fuerit, tunc inde fiat per judicium viginti quinque Baronum, de quibus fit mentio inferius in securitate pacis. De omnibus autem illis de quibus aliquis dissaisitus fuerit, vel elongatus, sine legali judicio parium suorum, per Henricum Regem patrem nostrum, vel per Richardum Regem fratrem nostrum, quae in

XLIX. We will immediately restore all hostages and charters, which have been delivered to us by the English, in security of the peace and of their faithful service.

L. We will remove from their bailiwicks the relations of Gerard de Athyes, so that, for the future, they shall have no bailiwick in England; Engeland de Cygony, Andrew, Peter, and Gyone de Chaucell, Gyone de Cygony, Geoffrey de Martin, and his brothers, Philip Mark, and his brothers, and Geoffrey his nephew, and all their followers.

LI. And immediately after the conclusion of the peace, we will remove out of the kingdom all foreign knights, crossbow-men, and stipendiary soldiers, who have come with horses and arms to the molestation of the kingdom.

LII. If any have been disseised or dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them; and if any dispute shall arise on this head, then it shall be determined by the verdict of the twenty-five Barons, of whom mention is made below, for the security of the peace. Concerning all those things of which any one hath been disseised or dispossessed, without the legal verdict of his peers by King Henry our father, or King Richard our brother, which we have in our

manu nostra habemus, vel quae alii tenent quae nos oporteat warantizare respectum habebimus usque ad communem terminum Crucae Signatorum; exceptis illis de quibus placitum motum fuit, vel inquisitio facta per praeceptum nostrum, ante susceptionem Crucis nostrae; cum autem redierimus de peregrinatione nostra, vel si forte remanserimus a peregrinatione nostra statim inde plenam justitiam exhibebimus.

LIII. Eundem autem respectum habebimus, et eodem modo de justitia exhibenda, de forestis deafforestandis, vel remansuris forestis quas Henricus pater noster, vel Ricardus frater noster afforestaverunt; et de custodiis terrarum quae sunt de alieno feodo, cujusmodi custodias hucusque habuimus; occasione feodo quod aliquis de nobis tenuit per Servitium Militare; et de Abbatiis quae fundate fuerint in feodo alterius quam nostro, in quibus dominus feodi dixerit se jus habere: et cum redierimus, vel si remanserimus a peregrinatione nostra, super hiis conquerentibus plenam justitiam statim exhibebimus.

LIV. Nullus capiatur nec imprisonetur propter appellum feminae de morte alterius, quam viri sui.

LV. Omnes fines qui injuste, et contra legem terrae facti, sunt nobiscum, et omnia amerciamenta

hand, or others hold with our warrants, we shall have respite, until the common term of the Croisaders, excepting those concerning which a plea had been moved, or an inquisition taken, by our precept, before our taking the Cross; but as soon as we shall return from our expedition, or if, by chance, we should not go upon our expedition, we will immediately do complete justice therein.

LIII. The same respite will we have, and the same justice shall be done, concerning the disforestation of the forests, or the forests which remain to be disforested, which Henry our father, or Richard our brother, have afforested; and the same concerning the wardship of lands which are in another's fee, but the wardship of which we have hitherto had, occasioned by any of our fees held by Military Service; and for Abbeys founded in any other fee than our own, in which the Lord of the fee hath claimed a right; and when we shall have returned, or if we shall stay from our expedition, we shall immediately do complete justice in all these pleas.

LIV. No man shall be apprehended or imprisoned on the appeal of a woman, for the death of any other man than her husband.

LV. All fines that have been made by us unjustly, or contrary to the laws of the land; and all amercia-

facta injuste, et contra legem terrae, omnino condonentur, vel fiat inde per iudicium viginti quinque Baronum de quibus fit mentio inferius in securitate pacis, vel per iudicium majoris partis eorundem, una cum praedicto Stephano, Cantuariensis Archiepiscopo, si interesse poterit, et aliis quos secum ad hoc vocare voluerit; et si interesse non poterit, nihilominus procedat negotium sine eo; ita quod si aliquis, vel aliqui, de praedictis viginti quinque Baronibus, fuerint in simili querela, amoveantur, quantum ad hoc iudicium, et alii loco illorum per residuos de eisdem viginti quinque tantum ad hoc faciendum electi et iurati, substituantur.

LVI. Si nos dissaisivimus vel elongavimus Walenses de terris, vel libertatibus, vel rebus aliis, sine legali iudicio parium suorum in Anglia, vel in Wallia, eis statim reddantur; et si contentio super hoc orta fuerit, tunc inde fiat in Marchia per iudicium parium suorum; de tenementis Angliae, secundum legem Angliae; de tenementis Walliae, secundum legem Walliae; de tenementis Marchiae, secundum legem Marchiae. Idem facient Walenses nobis et nostris.

LVII. De omnibus autem illis de quibus aliquis

ments that have been imposed unjustly, or contrary to the laws of the land, shall be wholly remitted, or ordered by the verdict of the twenty-five Barons, of whom mention is made below, for the security of the peace, or by the verdict of the greater part of them, together with the aforesaid Stephen, Archbishop of Canterbury, if he can be present, and others whom he may think fit to bring with him; and if he cannot be present, the business shall proceed, notwithstanding, without him; but so that if any one or more of the aforesaid twenty-five Barons have a similar plea, let them be removed from that particular trial, and others elected and sworn by the residue of the same twenty-five, be substituted in their room, only for that trial.

LVI. If we have disseised or dispossessed any Welshmen of their lands, or liberties, or other things, without a legal verdict of their peers, in England or in Wales, they shall be immediately restored to them; and if any dispute shall arise upon this head, then let it be determined in the Marches by the verdict of their peers; for a tenement of England, according to the law of England, for a tenement of Wales, according to the law of Wales, for a tenement of the Marches, according to the law of the Marches. The Welsh shall do the same to us and to our subjects.

LVII. Also concerning those things of which any

Walensium dissaisitus fuerit, vel elongatus, sine legali iudicio parium suorum, per Henricum Regem patrem nostrum, vel Richardum Regem fratrem nostrum, quae nos in manu nostra habemus, vel quae alii tenent quae nos oporteat warrantizare, respectum habebimus usque ad communem terminum Crucae Signatorum, illis exceptis, de quibus placitum motum fuit, vel inquisitio facta per praeceptum nostrum, ante susceptionem crucis nostrae. Cum autem redierimus, vel si forte remanserimus a peregrinatione nostra, statim eis inde plenam justitiam, exhibebimus secundum leges Wallensium, et partes praedictas.

LVIII. Nos reddemus filium Lenelini, statim, et omnes obsides de Wallia, et cartas quae nobis libertate fuerunt in securitatem pacis.

LIX. Nos faciemus Alexando Regi Scottorum, de sororibus suis, et obsidibus reddendis, et libertatibus suis, et jure suo, secundum formam in qua faciemus aliis Baronibus nostris Angliae, nisi aliter esse debeat per cartas quas habemus de Gulielmo patrae ipsius quondam Rege Scottorum; et hoc erit per iudicium parium suorum in curia nostra.

LX. Omnes autem istas consuetudines praedictas, et libertates quas nos concessimus in regno nostro tenendas, quantum ad nos pertinet erga nostros,

Welshman hath been disseised or dispossessed without the legal verdict of his peers, by King Henry our father, or King Richard our brother, which we have in our hand, or others hold with our warrant, we shall have respite, until the common term of the Croisaders, excepting for those concerning which a plea had been moved, or an inquisition made, by our precept, before our taking the Cross. But as soon as we shall return from our expedition, or if, by chance, we should not go upon our expedition, we shall immediately do complete justice therein, according to the laws of Wales, and the parts aforesaid.

LVIII. We will immediately deliver up the son of Llewelin, and all the hostages of Wales, and release them from their engagements which were made with us, for the security of the peace.

LIX. We shall do to Alexander King of Scotland, concerning the restoration of his sisters and hostages, and his liberties and rights, according to the form in which we act to our other Barons of England, unless it ought to be otherwise by the charters which we have from his father William, the late King of Scotland; and this shall be by the verdict of his peers in our court.

LX. Also all these customs and liberties aforesaid, which we have granted to be held in our kingdom, for so much of it as belongs to us, all our

omnes de regno nostro, tam clerici quam laici observent, quantum ad se pertinet erga suos.

LXI. Cum autem pro DEO et ad emendationem regni nostri, et ad melius sopiendum discordiam inter nos et Barones nostros ortam, haec omnia praedicta concesserimus, violentes ea integra et firma stabilitate in perpetuum gaudere, facimus et concedemus eis securitatem subscriptam; videlicet, quod Barones eligent viginti quinque Barones de regno, quos voluerint, qui debeant pro totis viribus suis, observare, tenere, et facere observari, pacem et libertates quas eis concessimus et hac presente carta nostra confirmavimus: ita, scilicet, quod si nos, vel Justiciarius noster, vel ballivi nostri, vel aliquis de ministris nostris, in aliquo erga aliquem deliquerimus, vel aliquem articulorum pacis aut securitatis transgressi fuerimus, et delictum ostensum fuerit quatuor Baronibus de praedictis viginti quinque Baronibus, illi quatuor Barones accedent ad nos, vel ad Justiciarium nostrum, si fuerimus extra regnum, proponentes nobis excessum, petent, ut excessum illum sine dilatione faciamus emendari. Et si nos excessum non emendaverimus, vel si fuerimus regnum, Justiciarius noster non emendaverit, infra tempus quadraginta dierum, computandum a tempore quo monstratum fuerit nobis,

subjects, as well clergy as laity, shall observe towards their tenants as far as concerns them.

LXI. But since we have granted all these things aforesaid, for GOD, and for the amendment of our kingdom, and for the better extinguishing the discord which has arisen between us and our Barons, we being desirous that these things should possess entire and unshaken stability for ever, give and grant to them the security underwritten; namely, that the Barons may elect twenty-five Barons of the kingdom, whom they please, who shall with their whole power, observe, keep, and cause to be observed, the peace and liberties which we have granted to them, and have confirmed by this our present charter, in this manner; that is to say, if we, or our Justiciary, or our bailiffs, or any of our officers, shall have injured any one in anything, or shall have violated any article of the peace or security, and the injury shall have been shown to four of the aforesaid twenty-five Barons, the said four Barons shall come to us, or to our Justiciary if we be out of the kingdom, and making known to us the excess committed, petition that we cause that excess to be redressed without delay. And if we shall not have redressed the excess, or, if we have been out of the kingdom, our Justiciary shall not have redressed it within the term of forty days, computing from the time when it shall have been

vel Justiciario nostro, si extra regnum fuerimus, praedicti quatuor Barones referant causam illam ad residuos de illis viginti quinque Baronibus, et illi, viginti quinque Barones, cum communia totius terrae, distringent et gravabunt nos modis omnibus quibus poterunt; scilicet, per captionem castrorum, terrarum, possessionem, et aliis modis quibus poterunt, donec fuerit emendatum secundum arbitrium eorum; salva persona nostra, et Reginae nostrae, et liberorum nostrorum; et cum fuerit emendatum, intendent nobis sicut prius fecerunt. Et quicumque voluerit de terra, juret quod ad praedicta omnia exequenda, parebit mandatis praedictorum viginti quinque Baronum, et quod gravabit nos pro posse suo cum ipsis: et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit, et nulli unquam jurare prohibebimus. Omnes autem illos de terra, qui per se et sponte sua noluerint jurare viginti quinque Baronibus, de distringendo et gravando nos cum eis, faciemus jurare eosdem de mandato nostro, sicut praedictum est. Et si aliquis de viginti quinque Baronibus decesserit, vel a terra recesserit, vel aliquo alio modo impeditus fuerit, quominus ista praedicta possent exequi, qui residui fuerint de praedictis viginti quinque Baronibus, eligant alium loco ipsius, pro arbitrio suo, qui

made known to us, or to our Justiciary if we have been out of the kingdom, the aforesaid four Barons shall lay that cause before the residue of the twenty-five Barons; and they, the twenty-five Barons, with the community of the whole land, shall distress and harass us by all the ways in which they are able; that is to say, by the taking of our castles, lands, and possessions, and by any other means in their power, until the excess shall have been redressed, according to their verdict; saving harmless our person, and the persons of our Queen and children; and when it hath been redressed, they shall behave to us as they have done before. And whoever of our land pleaseth, may swear, that he will obey the commands of the aforesaid twenty-five Barons, in accomplishing all the things aforesaid, and that with them he will harass us to the utmost of his power; and we publicly and freely give leave to every one to swear who is willing to swear; and we will never forbid any to swear. But all those of our land, who, of themselves, and of their own accord, are unwilling to swear to the twenty-five Barons, to distress and harass us together with them, we will compel them by our command, to swear as aforesaid. And if any one of the twenty-five Barons shall die, or remove out of the land, or in any other way shall be prevented from executing the things above said, they who remain of the twenty-five Barons shall elect another

simili modo erit juratus, quo et caeteri. In omnibus autem, quae istis viginti quinque Baronibus committunter exequenda, si forte ipsi viginti quinque presentes fuerint, et inter se super re aliqua discordaverint, vel aliqui ex eis summoniti nolint, vel nequeant interesse, ratum habeatur et firmum, quod major pars eorum, qui presentes fuerint, providerit, vel praeceperit; ac si omnes viginti quinque in hoc consensissent: et praedicti viginti quinque jurent quod omnia antedicta fideliter observabunt, et pro toto posse suo facient observari. Et nos nihil impetrabimus ab aliquo, per nos, nec per alium, per quod aliqua istarum concessionum et libertatum revocetur vel minuatur. Et si aliquid tale impetratum fuerit, irritum sit et inane; et numquam eo utemur, per nos, nec per alium.

LXII. Et omnes malas voluntates, indignationes, et rancores ortos, inter nos et homines nostros, clericos et laicos, a tempore discordiae, plene omnibus remisimus et condonavimus. Praeterea, omnes transgressiones factas occasione ejusdem discordiae, a Pascha anno regni nostri sextodecimo, usque ad pacem reformatam, plene remisimus omnibus clericis et laicis, et quantum ad nos pertinet, plene con-

in his place, according to their own pleasure, who shall be sworn in the same manner as the rest. In all those things which are appointed to be done by these twenty-five Barons, if it happen that all the twenty-five have been present, and have differed in their opinions about anything, or if some of them had been summoned, would not, or could not be present, that which the greater part of those who were present shall have provided and decreed, shall be held as firm and as valid, as if all the twenty-five had agreed to it; and the aforesaid twenty-five shall swear, that they will faithfully observe, and, with all their power, cause to be observed, all the things mentioned above. And we will obtain nothing from any one, by ourselves, nor by another, by which any of these concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, let it be void and null; and we will never use it, neither by ourselves nor by another.

LXII. And we have fully remitted and pardoned to all men, all the ill-will, rancour, and resentments, which have arisen between us and our subjects, both clergy and laity, from the commencement of the discord. Moreover we have fully remitted to all the clergy and laity, and as far as belongs to us, have fully pardoned all transgressions committed by occasion of the said discord, from Easter, in the sixteenth year of our reign, until the

donavimus. Et, insuper, fecimus eis fieri literas testimoniales patentes domini Stephani Cantuariensis Archiepiscopi, Domini Henrici Dubliniensis Archiepiscopi, et Episcoporum praedictorum, et Magistri Pandulphi, super securitate ista et concessionibus praefatis.

LXIII. Quare, volumus, et firmiter praecipimus, quod Anglicana Ecclesia libera sit; et quod homines in regno nostro habeant et teneant omnes praefatas libertates, jura, et concessiones, bene et in pace, libere et quiete, plene et integre, sibi et haeredibus suis, de nobis et haeredibus nostris, in omnibus rebus et locis, in perpetuum, sicut praedictum est. Juratum est autem, tam ex parte nostra, quam ex parte Baronum, quod haec omnia supradicta bona fide, et sine malo ingenio servabuntur. Testibus supradictis, et multis aliis. Data per manum nostram, in Prato quod vocatur Runimede, inter Windeles horum et Stanes, quintodecimo die Junii, anno regni nostri septimo decimo.

conclusion of the peace. And, moreover, we have caused to be made to them testimonial letters, patent of the Lord Stephen, Archbishop of Canterbury, the Lord Henry, Archbishop of Dublin, and of the aforesaid Bishops, and of Master Pandulph concerning this security, and the aforesaid concessions.

LXIII. Wherefore, our will is, and we firmly command that the Church of England be free, and that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and entirely, to them and their heirs, of us and our heirs, in all things and places, for ever as is aforesaid. It is also sworn, both on our part, and on that of the Barons, that all the aforesaid shall be observed in good faith, and without any evil intention. Witnessed by the above and many others. Given by our hand in the Meadow which is called Runningmead, between Windsor and Staines, this 15th day of June, in the 17th year of our reign.

The Great Seal of England was then appended to Magna Charta, which was likewise confirmed by the King's solemn oath; but its greatest security was that twenty-five Barons were elected by the rest, to enforce the observance of all which this instrument contained. The Peers who were entrusted with this authority were certainly some of

the most celebrated of their time, both with regard to descent, to valour, and to intellectual endowments : their names were—

Richard de Clare, Earl of Clare.

William de Fortibus, Earl of Aumerle.

Geoffrey de Mandeville, Earl of Gloucester.

Saher de Quincy, Earl of Winchester.

Henry de Bohun, Earl of Hereford.

Roger Bigod, Earl of Norfolk.

Robert de Vere, Earl of Oxford.

William Mareschall, junior.

Robert Fitz-Walter.

Gilbert de Clare.

Eustace de Vesey.

William de Hardell, Mayor of London.

William de Mowbray.

Geoffrey de Say.

Roger de Mumbezon (Mount Begon).

William de Huntingfield.

Robert de Ros.

John de Lacy, the Constable of Chester.

William de Albeniac.

Richard de Percy.

William Malet.

John Fitz-Robert.

William de Lanvalay.

Hugh Bigod.

Richard de Muntfichet.

As John had now conceded to all the claims which the discontent of his Barons could devise, or their hatred demand, it might be expected that the remainder of his reign was passed with the faithful allegiance and love of his subjects, but this was not the case; they feared the King might yet retract his engagements, and they demanded, says Blackstone, "a real and substantial security for his performance of the articles of the Charter; nothing less than the custody of the City and Tower of London, till August 15, then next ensuing, and afterwards till the Charter should be carried into execution." To this the King also consented, if compliance in his circumstances may be called a consent, and the custody was actually delivered.

The Covenant which thus originated, contained a particular account of the Writs for electing the twelve Knights, who were to rectify the Forest laws and customs; these were dated on June 19, which was four days after the conclusion of Magna Charta, and the period when the assembly was dismissed. These writs, or Letters of Election, as they are called by the Covenant, were a material part of the newly-granted liberties, inasmuch as they gave to the Barons the power of watching over the pure administration of the enactments of Magna Charta.

TRANSLATION OF THE COVENANT

made between

KING JOHN AND HIS BARONS OF ENGLAND

A.D. 1215.

This is the Covenant made between our Lord John, King of England, on the one part; and Robert Fitzwalter, elected Marshal of God and of the Holy Church in England, and Richard Earl of Clare, Geoffrey Earl of Essex and Gloucester, Roger Bigod Earl of Norfolk and Suffolk, Saher Earl of Winchester, Robert Earl of Oxford, Henry Earl of Hereford, and the Barons under-written.

That is to say—

William Marshall the younger,
Eustace de Vesey,
William de Mowbray,
John Fitz-Robert,
Roger de Mont Begon,
William de Lanvalay,

and other Earls and Barons, and Freemen of the whole kingdom, on the other part: namely, That they the Earls and Barons and others before written, shall hold the custody of the City of London in bail from our Lord the King; saving that they shall

clearly render all the debts and revenues within the same, to our Lord the King, until the term of the Assumption of the Blessed Virgin Mary, in the seventeenth year of his reign.

And the Lord of Canterbury shall hold in like manner of bail from our Lord the King, the custody of the Tower of London, to the aforesaid term; saving to the City of London its liberties and free customs, and taking his oath in the keeping of the said Tower, that our Lord the King shall in the meanwhile not place a guard nor other forces in the aforesaid City, nor in the Tower of London.

And that also within the aforesaid term, the oaths to the twenty-five Barons be tendered throughout all England as it is contained in the Charter granted concerning the liberties and security of the kingdom; or to the attornies of the twenty-five Barons as it is contained in the letters granted concerning the election of twelve knights for abolishing evil customs of the forests and others.

And, moreover, within the said term, all the other demands which the Earls, Barons, and other free-men do ask of our Lord the King which he himself has declared to be granted to them, or which by the twenty-five Barons, or by the greater part of them shall be judged proper to be granted, are to be given, according to the tenor of the said Charter.

And if these things shall be done, or if our Lord

the King on his part shall agree to do them, within the term limited, then the City and Tower of London shall at the same term be delivered up to our Lord the King, saving always to the aforesaid City its liberties and free customs as it is before written.

And if these things shall not be done, and if our Lord the King shall not agree to do them within the period aforesaid, the Barons shall hold the aforesaid City and the Lord Archbishop the Tower of London, until the aforesaid deeds shall be completed.

And in the meanwhile, all of both parts shall recover the castles, lands, and towns, which have been taken in the beginning of the war that has arisen between our Lord the King and the Barons.

LANGTON, THE KING'S COMMISSIONER AT RUNNYMEDE

Langton appeared at Runnymede as a commissioner on the King's side, and his influence must be sought, it is said, in those clauses of the Charter which differ from the original petitions of the barons. And of these the most striking is that which confirms the liberties of the Church; and this is chiefly remarkable for its moderation.

The Charter contains the following: "Know that, looking to God and the advancement of holy Church, and for the reform of our realm we have

granted as underwritten by advice of our venerable father, Stephen, Archbishop of Canterbury, primate of all England, and Cardinal of the holy Roman Church; Henry, Archbishop of Dublin, etc.; of Master Pandulph, sub-deacon and member of the household of our lord the Pope—and of the illustrious men—Earls of Pembroke, Salisbury, Arundel, and others, our liegemen.”

But though King John had signed the Charter he never meant to keep it. The skilfully worded provisions of that famous Charter, the Magna Charta of the year 1215, are sacred to this day as the foundation of all our liberties as Englishmen. “Entire as at this hour in which it was written,” says Knight in *Old English Museum of Popular Antiquities*, “it is preserved, not for reference or doubtful questions of right, not to be proclaimed at market crosses or to be read in churches as in the time of Edward the First, but for the gratification of a just curiosity and an honest national pride. The humblest in the land may look upon that document, day by day, in the British Museum, which was written almost 700 years ago; and will find it to be the foundation of statute upon statute, and of what is as stringent as statute, the common law, through which for nearly 700 years we have been struggling to breathe the breath of freedom, and we have not struggled in vain.”

The first clause of the Charter reads: “That the

Church of England be free and hold her rights entire, and her liberties inviolate."

The freedom of electing bishops by the dean and chapters is recognised as the most necessary and fundamental privilege of the Church of England. Archbishop Langton had good cause to know how necessary it was to make this declaration; he had seen enough of the oppressive and cruel treatment of the Church, both by popes and kings, to make him feel the necessity of such a statement. The legal and administrative changes of Henry the Second and of Archbishop Walter left many loopholes for the abuse of authority by royal officials (1194-1214 A.D.). The Church, finally, complained that the right of free and canonical election, which Henry the Second had guaranteed, was practically withdrawn, and that the property of the clergy, both in land and in movables, was now taxed without regard to custom or the principles of canon law.

This was the only clause of importance to the Church, and was evidently added at the request of Archbishop Stephen Langton, and being placed both at the beginning and at the end of the Great Charter, makes it very emphatic, and so is worth repeating—

In primis concessione. Deo et hac presenti Carta nostra confirmasse, pro nobis et heredibus nostris in perpetuum. Quod Anglicana ecclesia

libera sit, et habeat jura sua integra, et libertates suas illesas.

“ In the first place we have granted to God and by this our present charter confirmed for us and our heirs for ever that the English Church shall be free and shall have her rights entire, and her liberties inviolate.”

And at the end—

Quare volumus et firmiter praecipimus quod Anglicana ecclesia libera sit et quod homines in regno nostro habeant et teneant omnes praefatas libertates jura, et concessiones.

“ Wherefore it is our will and we firmly enjoin, that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights and concessions.”

The freedom of the English Church, not the Irish Church, then is referred to, because at the time of the Great Charter, 1215, the kingdom of Ireland had no share in this liberty, but by a law enacted in 1494, the eleventh year of Henry the Seventh, called Poyning's law, it was decreed that all previous Statutes of England should be extended into that country.

It is, however, probable that the Army of God and Holy Church had omitted to discuss ecclesiastical grievances, not from any indifference to their

settlement, but in the belief that the Archbishop needed no assistance. On either hypothesis the moderation of the Archbishop and his colleagues is remarkable. They ask nothing beyond a confirmation of the Church's ancient liberties, and of the right of free canonical election which John had already conceded in a separate charter.

The "Rights" of the Church, although remaining theoretically unalterable from the days of King Stephen, felt the pressure directed by Henry's energetic arm against all claims of privilege. Rights, theoretically the same, says McKechnie, shrank to smaller practical limits when measured against the strength of Henry as compared with the weakness of Stephen. Canonical election thus remained, at the close of the reign of Henry the Second, the same farce it had been in the days of Henry the First. The election lay with the Chapter of the vacant See, but the King told them plainly to elect.

King John's rash provocation, followed by his quick and cowardly retreat, gave Langton the opportunity to compel a new definition of the frontier between the spiritual and the temporal powers.

SOCIAL ARTICLES OF MAGNA CHARTA

The essential clauses of Magna Charta, according to Hallam, are those which protect the personal

liberty and property of all freemen, by giving security from arbitrary imprisonment and arbitrary despotism.

“No freeman,” the charter says, “shall be seized, or imprisoned, or outlawed, or in any way brought to ruin; we will not go against any man, nor send against him, save by legal judgment of his peers (equals).”

“To no man will we sell, or deny, or delay right or justice. No scutage or aid, taxes, shall be imposed in our realm save by the Common Council.”

Justice, then, is no longer to be sold, denied or delayed. The Court of Common Pleas, instead of, as formerly, following the King’s person in all his progresses, is to be permanently fixed at Westminster; assizes are to be held in the several counties, and annual circuits are established. Of peers—a provision which recognised a popular tribunal as a check on the official judges, and may be looked upon as the foundation of the writ of Habeas Corpus. No one is to be indicted on rumours or suspicion, but only on the evidence of witnesses.

Even the women were thought of, and the King was no longer allowed to make rich widows marry his friends in order that he might get some of their money. But the best thing in Magna Charta was that it protected the poor. It was declared that no man whose goods were forfeited should lose his means of making a living.

Other clauses of the Great Charter of English liberty protected freemen and even villeins from excessive fines. The villeins, who held lives by a base and servile tenure, were not to be deprived of their carts, ploughs, and implements of husbandry.

POLITICAL ASPECT OF MAGNA CHARTA

It was probably by the bishops, Langton in particular, and the legal members of the confederacy, that the rights of the freeholder, says Stubbs (*Introduction to Rolls*), were so carefully fenced round with provisions. These men and their successors led the Commons and acted for them until the Reformation, with little discord and still less jealousy of their rising influence, and it was the extinction of this class which furnished their natural leaders that threw the Church and nation under the tyranny that followed the Wars of the Roses.

The charter, notwithstanding the prominence given to redress of feudal grievances, redressed other grievances, just mentioned, as well. In this the influence of the Church, and notably of its primate, can be traced. Some little attention was given to the rights of the under-tenants also, and even to those of the merchants, while the villein and the alien were not left entirely unprotected.

The Great Charter was not, of course, a complete

document, for it has required safeguards, such as the Petition of Right, 1628 A.D., and the Habeas Corpus Act, 1679 A.D.; but amongst its intrinsic merits was that it made definite what had been vague before. Definition is a valuable protection for the weak against the strong; whereas vagueness increases the powers of the tyrant who can interpret while he enforces the law.

In reality Magna Charta made few lasting innovations and asserted no new liberties; the framers desired no alteration in the fabric of the executive or legislature.

The Great Charter is, then, the act of the united nation, the Church, the barons, and the commons, for the first time thoroughly at one. It is in form only the act of the King—in substance and in historical position it is the first effort of a corporate life that has reached full consciousness, resolved to act for itself and able to carry out the resolution. The nature of the grievances of the nation is more to be gathered from Magna Charta itself, which is the first actual limitation of the royal prerogative, than from the historians who have told the story.

Again, the Great Paper was a treaty of peace between the King and his people, and so is a complete national act. Stubbs, in *Early Plantagenets*, says that it is the first act of the kind, for it differs from the charters issued by Henry the First, Stephen and Henry the Second not only in its greater

fulness and perspicuity, but by having a distinct machinery provided to carry it out.

Twenty-five barons were nominated, as we have seen, to compel the King to fulfil his part, and Stephen Langton was put in charge of the Tower of London.

The foundations of English liberty were now laid, which no less undeniably sowed the seeds of the severance of the English Church from the Roman obedience three centuries later. To Archbishop Langton more than to any other one man the overthrow of John's despotism was due. He had withstood the King and rescued the country from tyranny.

So far as we are guided by historical testimony, two great men, the pillars of our Church and State, may be considered, says Stubbs, as entitled beyond the rest to the glory of the monument, Magna Charta or the Great Charter. Stephen Langton, Archbishop of Canterbury, and William, Earl of Pembroke. To their temperate zeal for a legal Government, England was indebted during that critical period for the two greatest blessings that patriotic statesmen could confer: the establishment of civil liberty upon an immovable basis, and the preservation of national independence under the ancient line of sovereigns, which richer men were about to exchange for the dominion of France.

EXCOMMUNICATION OF THE BARONS

Satisfied with what they had accomplished at Runnymede, the prelates and barons joyfully returned home with their retainers, while the King, who had laughed and joked whilst he signed the charter, as soon as he got safely back to Windsor gave vent to his rage and cried : “ They have given me twenty-five kings,” and he didn’t know how to control himself.

A celebrated English historian speaks in the following terms concerning the manner in which the grant of Magna Charta preyed upon the health and disposition of John—

“ Great rejoicing,” says Holinshed, “ was made for this conclusion of peace between the King and his barons, the people judging that God had touched the King’s heart, and mollified it, whereby happy days were come for the realm of England, as though it had been delivered out of the bondage of Egypt : but were much deceived, for the King having condescended to make such grant of liberties, far contrary to his mind, was right sorrowful in his heart, cursed his mother that bare him, the hour that he was born, and the paps that gave him suck, wishing that he had received death by violence of sword or knife, instead of

natural nourishment; he whetted his teeth, he did bite now on one staff, and now on another, as he walked, and oft brake the same in pieces when he had done, and with such disordered behaviour and furious gestures he uttered his grief, in such sort that the noble men very well perceived the inclination of his inward affection concerning these things, before the breaking up of the council, and, therefore, sore lamented the state of the realm, guessing what would come of his impatience and displeasing taking of the matter."

The country would now soon have been in a happier condition if all the King had promised had been acted upon. But the mean-spirited King never intended to keep his promise, for the ink, in which his signature was made on the Great Charter, was scarcely dry before he sent a special messenger to Rome explaining that the first great act of Archbishop Langton, whom Pope Innocent the Third had imposed or inflicted upon him, was to defy the (assumed) prerogative of the papacy in this country by organising a rebellion against himself, King John; the vassal of the Pope.

It is to be noted how John lays the blame on Stephen Langton, and by this shows how powerful and influential must the Archbishop's support have been to the barons in their demand for the general liberty-conferring charter.

When Innocent heard of Magna Charta he furiously raged at the temerity of the barons, and he issued a "bull," August 24, in which he annulled and abrogated the whole charter, as unjust in itself, as obtained by compulsion, and as derogatory to the dignity of the Apostolic See of Rome.

This "bull," with the seal of Innocent attached to it, and preserved in the British Museum, concludes: "We utterly reprobate and condemn any agreement of this kind, forbidding, under ban of our anathema, the aforesaid King to presume to observe it, and the barons and their accomplices to exact its performance."

REVOCATION OF MAGNA CHARTA

In order that John might obtain the assistance of the Church of Rome, says Dr. Hook, the King changed his party, and swore fealty to the Pope.

As the Primate of the Church of England was, at the same time, a cardinal of the See of Rome, John thought that the two Churches might be regarded as one. This, however, was never the case. Within our own memory most of the nations of Europe fell under the dominion of the Emperor of the French, the elder Bonaparte, who either forced upon them his own code of legislation or made his will their law. But, however much he might himself believe the Empire to be one, the subdued

people, although they acquiesced in, and although some among them may have approved of, the usurpation, only awaited, with more or less of impatience, for the time when they might reassert their nationality and independence. Even now, when the papacy was in the ascendant, or rather had reached its culminating point, throughout the nations and the churches of Europe, the Church of England remained distinct from the Church of Rome. The Church of England sided with the barons against a tyrannical king, the Church of Rome supported the tyrant against the barons.

Stephen Langton, Archbishop of Canterbury, was the leader of the popular party, whose chief opponent the Pope of Rome now became.

Why this attitude of the Pope? It has been said that the Pope might naturally sympathise more with authority than with those in apparent authority against it; that he was bound, moreover, by the duty and interest to care for the rights of his vassal; and, assailed with reports from the King's side, he might naturally and clearly be expected to take a different course from Archbishop Langton's. There is not a word here as to the probability of Innocent's desire to advance the metropolitan See of Rome at the cost of the metropolitan See of Canterbury.

Strange how the Pope, after supporting the patriotic struggle for many years, by which he was able to force the reluctant King John to his

knees, should now so quickly turn round, and at the protest of a so generally well-known unreliable monarch, try to take away from the people those liberties already won by the Great Charter. Now when the papal authority began to back the royal tyranny, the barons determined to resist, and the Church, having recovered, in Archbishop Langton, its natural leader, resumed its ordinary attitude as the supporter of freedom. The country saw that the submission of John to Innocent placed its liberty, temporally and spiritually, at his mercy, and immediately demanded safeguards. Hence the firmness of the English nobles. The Charter, the whole Charter, and nothing but the Charter, should be the basis and foundation of their allegiance or obedience to the King.

John now recalled all the liberties which he had granted to his subjects and which he had solemnly sworn to observe; he was stronger now, being at the head of a very large band of ravenous and mercenary soldiers, who, incited by an enraged king, were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation and destruction over the whole of the kingdom, from Dover to Berwick; but the barons stood firm to the charter.

WILLIAM DE ALBINI

Baron William de Albini, who became one of the twenty-five Securities for the Great Charter, although it may almost be questioned whether he were not even then more on the part of the King than of the barons, for when he was summoned by Robert Fitz-Walter to attend the tournament adjourned from Stamford to Hounslow Heath on June 29, 1215, he never attended, and it was not until after the other barons had alarmed him by their messages and censures, that he fortified Belvoir Castle, and joined them at London. He was, however, received with considerable joy, and Rochester Castle having been delivered up to them by Stephen Langton, Archbishop of Canterbury, he was appointed governor; when, though he found it so utterly destitute of provision as almost to induce his forces to abandon it, he recruited and held it out until famine, weakness, and midnight watching obliged them to surrender to the King.

Matthew Paris relates of this baron that during the siege, as John and some of his commanders were one day viewing the castle, an excellent archer asked him if he should shoot at the King with an arrow which he then held ready; and upon his answering "No," "Why," rejoined the bowman, "he would not spare us if he had the

advantage." "God's will be done!" answered De Albini, "for He, and not the King, will dispose of us." The siege having lasted three months, and being attended with considerable loss, John ordered that all the nobles in the castle should be hanged; but the sentence being resolutely opposed by Savaricus de Maloleone, one of his own chief commanders, William de Albini and his son Odonel, with several other barons, were sent prisoners to Corfe and Nottingham castles. Whilst he remained in the former of these fortresses, on the morrow of Christmas Day, 1216, the King marched from Nottingham to Langar, whence he sent a summons for Belvoir Castle to surrender; adding that if any conditions were insisted on, "the lord of it should never eat more."

ARCHBISHOP LANGTON'S REFUSAL TO EXCOMMUNICATE THE BARONS

When Pope Innocent heard of the barons' attitude to stand firmly by the charter he ordered Archbishop Langton and the bishops to excommunicate the barons, and he strongly condemned the prelates for their action in promoting such contempt of the Holy See of Rome. The bishops, however, were becoming bolder, and refused to do this. As soon as the Pope heard this he summoned Langton and the bishops to Rome to a council

there, and, in their absence from England, he peremptorily suspended them for their share in bringing about the signing of the Great Charter.

When the proctors of the English king charged the Primate, Langton, with aiding and abetting the barons in their opposition to the King, the Archbishop refused to reply or plead, and only requested to be absolved from the sentence passed on him in England. The Pope took counsel with the other cardinals, with the result, says Cardinal Gasquet, D.D., that he charged the laity and clergy of the diocese of Canterbury not to obey their archbishop "until such time as by his conduct he should merit absolution."

In the following year Langton was absolved from the suspension under which he lay, upon giving his personal pledge not to return to England until the disturbances were entirely over.

What is known of the Archbishop during the sixteen months he stayed at Rome at this time? Langton, notwithstanding his suspension, sat in the Lateran Council held in November 1215 A.D., respecting which Cardinal Gasquet says, "but the Archbishop took no part in the deliberations," or rather, we should say, had no opportunity to do so, for deliberation was not asked for. The Council received canons at the dictation of Innocent the Third, and, amongst the canons, the doctrine of Transubstantiation was for the first time synodically

authorised, and confession was made generally obligatory.

To show their sympathy for the Archbishop of Canterbury, the canons of York elected his brother, Simon Langton, to the Archbishopric of York (*Simon de Langetuna vir quidem parum habens gratiae popularis*), but both Pope and King refused to approve the election; the latter because he feared that with his brother, Stephen, in ecclesiastical power in the south and himself (Simon) in the northern regions, their combined influence might be greater than his. (*Timebat autem rex, ne si Stephanus Cantuariensis archiepiscopus in australibus, et frater ejus Symon Eboracensis archiepiscopus factus in septemtrionalibus dominarentur, quasi maximi praelati in Anglia, omnia ad vota eorum disponderentur, et alter alterius auxilio fulciretur.*) The York canons were forced to receive, instead of Simon Langton, a most unworthy and rapacious prelate—Walter de Gray, Bishop of Worcester.

ANARCHY

The last sixteen months of John's reign were a mere anarchy, but we are not to lay all the blame on John. The barons, elated with their success, showed very little moderation. They trusted the King no more than he trusted them. Many of

them, no doubt, wished to thoroughly humiliate the King. Stephen Langton's departure for Rome left them without the prudent, sincere, and honest English counsel that was needed for the successful vindication of the national cause, and gave the chief place amongst them to men who had personal wrongs to avenge and personal objects to attain. The insurgents lost in the Archbishop's absence, not only their bond of union, but also a wholesome restraint; and his absence must be reckoned among the causes of the royalist reaction soon to take place; for whilst Robert Fitz-Walter had all the valour of a soldier, he had none of the genius of a general, and he was without the sagacity of a statesman. (During the truce between Philip the Second and John in 1213, when the latter was in Normandy, a tournament took place in the presence of both monarchs, at which Fitz-Walter, concealed in his armour, at the first course overthrew both horse and man, upon which the English sovereign swore: "By God's tooth! he deserves to be a king, who hath such a soldier in his train." Upon this some friends of the baron made him known to John, who restored to him the whole of his forfeited estates, and permitted him to repair his destroyed fortresses.)

Of the lay barons there is not one who rose either before or after the signing of the Charter to the first rank among English statesmen, while Stephen

Langton, whose high intellectual gifts were coupled with an earnest patriotism and practical sagacity, had entered English politics too recently, as one writer says, to know how deep the evils of the existing system went.

One answer to this is that whilst in exile in Pontigny, and also before his appointment to the Primacy of all England, Stephen would probably be well acquainted with the political condition of his native country and the social needs of the people from information supplied as regularly as possible by his brother Simon.

DISINTEGRATION OF THE NATIONAL PARTY

However, the strength of the Archbishop's influence is proved by the disintegration of the national party which occurred as soon as he had departed. Some endeavoured by all lawful means to enforce the Charter, others made overtures to the Kings of Scotland and France. In the Civil War which followed the revocation of the Great Charter of John, victory inclined very constantly to his side; his mercenaries were an overmatch for the feudal tenantry of the barons. Their devastations caused the barons more pain than the anathemas and excommunications of Pope Innocent. Many individuals made their peace with the King. Place after place surrendered, and at last London alone remained to the maintainers of the Charter.

Thus driven to extremity, the barons took in their turn the desperate step of calling in foreign aid. They declared John to have forfeited the Crown, and offered it to Louis of France to fill his place.

More than once in history a similar step has been dictated by the mere blindness of political passion, or by the party spirit which elevates the importance of particular measures above the safety of the State itself.

But we should judge harshly of the barons in this case if we were to forget that the feeling of nationality, now so engrained into our whole character, was then in its very infancy, a vague impalpable emotion, the secret power of which probably no statesman, except perhaps Stephen Langton, had yet divined, and which had yet long to wait before it was consecrated by common suffering, by united achievements, and by the establishment of distinctive political institutions.

And if the deposition of John were judged to be a necessity, Louis was, perhaps, the only possible successor. He was the nephew of John by marriage; he was, through his father, suzerain of the continental provinces of England, actual lord of Normandy (he had also defeated John at La Roche au Moine), and was master of troops who had conquered at Bouvines and in the Albigensian Crusades.

His accession might seem to promise a speedy termination of the war, and a settlement of those questions of divided allegiance and consequent confiscation which, since the loss of Normandy, had borne so heavily on some of the great houses of England.

LOUIS, DAUPHIN OF FRANCE

If it involved annexation to France, it may be remembered that this country (says the Rev. W. W. Shirley, in *Letters of Henry the Third*) was familiarised by long habit to the government of an alien king, and that of their sovereigns since the Norman Conquest, Stephen and John alone had constantly resided in the island. The barons were not wholly un-English if they argued that the frequent absence of the sovereign was an essential condition of freedom and good government.

What disasters their unhappy decision might have entailed upon England had it been allowed to work itself out to its natural consequences, it is fortunately in vain to speculate.

Louis accepted the offer. After having received twenty-four young men, sons of the noblest families, as hostages, he sent over a fleet with a numerous band of French knights, and a letter that he would lead hither a powerful army at Easter, 1216. At this time Cardinal Gualo chanced to be travelling through

France to England, and foreseeing that if Louis were successful, the Pope would lose his interest in the kingdom, he first endeavoured to suspend the expedition by solicitations, and then forbade it, upon the penalty of excommunication, as belonging to the Holy See. But the Dauphin had already determined upon the attempt, and, after making a haughty reply to the Legate, sailed for England with a fleet of 680 ships, and, after some losses, landed at Sandwich, May 30, 1216, when the barons who favoured the Great Charter joined his standard. He recaptured Rochester Castle, and thence, marching to London on June 2, was met in procession by the barons and citizens, who conducted him to St. Paul's, where he prayed, received the homage of his new subjects, and took a solemn oath to govern them by good laws, protect them against their enemies, and reinstate them in their former rights and possessions. The baronial enterprise was now attended with rapid success, whilst the cause of King John declined in proportion. The counties round London, the King of Scots, and the men of Lincolnshire and Yorkshire, declared in favour of Louis; even several of the royal barons hastened to offer him their homage and fealty; and the foreign soldiers of John either revolted to the Dauphin or returned to their homes.

Owing to the fact of Louis's excommunication,

but few of the clergy dared to support him, whilst many of the officials of the school of Henry the Second faithfully held to John. But in the meantime Louis obtained considerable successes, and, whilst continuing the struggle, John suddenly died, October 19, 1216. According to Professor Tout, the prudent measures which we shall see were taken by the guardians of the little King, Henry the Third, made many of the supporters of Louis to melt away, because those who hated John the most had no ill-will to the monarchy; and the innocent boy on the throne was in nowise responsible for the crimes of his father; besides, there was the feeling that for England to be ruled by a prince who would one day be King of France was a dangerous thing.

Louis soon began to lose ground, and when in 1217 Marshall, Earl of Pembroke, defeated him in a pitched battle in the streets of Lincoln, and a fleet containing reinforcements from France for him was utterly destroyed by Hubert de Burgh off Sandwich, he found it useless to continue in England any longer, and therefore in September 1217 he executed the Treaty of Lambeth with William Marshall, by which he agreed to leave England.

THE DEATH OF KING JOHN

The death of John, auspicious as it was, could not wholly remove the dark cloud, says the Rev. W. W. Shirley, which overhung the land. The

young king, guiltless of the wrongs, and free from the animosities of his father, had one great advantage: he could forgive without suspicion. But his advisers were those of his father; some of them the ministers of his vices; some of them foreign adventurers; the best of them who had looked coldly on the Charter, and when victory was followed by peace, one inevitable condition was attached. The supporters of the Charter, who had followed Louis of France, were indeed admitted to pardon; they could not hope for favour.

For the first four years of Henry the Third, almost every office of importance, every sheriff of a county, every governor of a royal castle, so far as the names are known, was taken from the short list of those who had stood by the side of John at Runnymede, from the few proscribed by the text of the Charter, or from the soldiers who had since been in arms against the baronial league. Amongst the most notable of these are Falkes de Breauté, Engelard de Cigoigny, and Philip Mare—all sentenced to exile by the Charter; Henry, Archbishop of Dublin; Peter, Bishop of Winchester; Jocelyn, Bishop of Bath; Earls of Pembroke and Salisbury, the two Fitz-Herberts, Alan and Thomas Basset, Hubert de Burgh, John Marshall, and Philip D'Albiney, all of whom stood *quasi ex parte regis* at Runnymede. Amongst those who deserted John only at the last moment were the Earls of Chester, Albe-

marle, R. Vipont, G. Lucy, Brian de Lisle, Henry Braybroc, and William Brewer.

Every one of these held office in the first year of Henry the Third. It was impossible for any party to be completely exiled from political power than at that moment were the authors of the Great Charter. The presage of bad government which such a condition of affairs might have suggested was not wholly justified by the event.

Political virtue has never, in this country, been confined to a single party, and the party of the Great Charter was no exception. Yet, after all allowances, it was, perhaps, hardly to be hoped that among the courtiers and advisers of King John two such men should have been found as Marshall, Earl of Pembroke, and Hubert de Burgh.

There is, perhaps, no period of equal length, from the Norman Conquest to the present day, over which the reader of English history, it is said, passes with more impatient haste than over the twenty years which elapsed between the accession and the marriage of Henry the Third, none which appears so barren of great events, or so silent of the character of its actors. They were years, not of exciting interest, but of critical importance, nor is it easy to say how much the destiny of this country has been affected by the current of political influences to which it was subjected during the first few years after the granting of Magna Charta.

ACCESSION OF HENRY THE THIRD

John was succeeded by his son Henry the Third (nine years old), who was hastily crowned October 28, 1216, at Gloucester, immediately after his father's death, when Langton's charter was accepted as the first official act of the reign by the advice of the Earl of Pembroke, Marshal of England and one of the guardians of the young King.

"We have been the enemies of this child's father," said the Marshal, a good and true gentleman, to the few lords who were present, "and he merited our ill-will, but the child himself is innocent, and his youth demands our friendship and protection."

So strong was Langton's party, evidently, that during his absence from England, Gualo, Cardinal of St. Martin's, the papal legate, acted prudently by reversing the policy of Innocent the Third, and in conjunction with Pembroke issued a confirmation of the Charter in the name of Henry the Third.

The aged regent, Pembroke, was held in profound respect. His policy was the simple but difficult one of conciliation. He accepted the Charter, but shorn of the celebrated clause which protects the subject from arbitrary taxation. He proclaimed a large amnesty for the past, and inspired the just confidence that it would be loyally observed. Above

all, he managed with singular skill the great difficulty of his position, the claim of papal suzerainty. The surrender of King John was interpreted by Pope Honorius to imply that the Pope was the sole guardian of the royal minor, a claim of vague import and most perilous precedent, but which it was yet undesirable to question, while the restoration and maintenance of peace depended almost wholly upon the forbearance and the support of Rome. Yet, without embroiling himself with either Pope or papal legate, and holding firmly his own authority—in truth it must be said that during the first two years of Henry the Third's minority affairs both in Church and State were largely ruled from Rome. The letters of Pope Honorius, which occur every month, are addressed not only to the legate, but to bishops, abbots, barons, including William Marshall, Earl of Pembroke, the King's guardian. The powers of the legate Gualo seem to have been almost absolute. He imprisons thirteen clerks at Westminster who had used disrespectful language to him. As usual with papal agents, no small pecuniary profits were made out of these transactions. When the legate returned to Rome in 1218, "his saddle bags," says Matthew Paris, "were well stuffed with incalculable gains." Gualo seems, amongst other things, to have attempted to undermine the power of the Regent, by giving him the Earl of Chester, one of the most factious and un-

principled nobles of the day, as a colleague. Pope Honorius, however, was sufficiently well advised to discourage the scheme.

RISE OF PANDULPH

Pope Innocent died in July 1216, before he had tried the case of the Archbishop of Canterbury; and the death of John and the recognition of Henry the Third, already recorded, set Langton free to return to England, but he did not actually return before May 1218.

On his return from exile he found such engrossing occupation in the business of his see that, it is said, he took little part in politics for several years. His self-effacement strengthened the position of the papal legate, Pandulph, Bishop-elect of Norwich, who was no stranger to England. As sub-deacon of the Roman Church he received, as we have seen, John's submission in 1213, and stood side by side with him in nearly all his later troubles. On the recall of Gualo, he had come back to England in the higher capacity of legate, December 3, 1218. He had been the cause of Langton's suspension, and there was probably no love lost between him and the Archbishop.

It was in order to avoid troublesome questions of jurisdiction that Pandulph, at the Pope's suggestion, continued to postpone his consecration as

bishop, since that act would have subordinated him to the Archbishop of Canterbury. The supplementary rite of the Coronation of the young King on Whitsunday, 1220 A.D., in Westminster Abbey, with all the ceremonies, some of which had been necessarily omitted at Gloucester, Pandulph discreetly permitted, says Professor Tout, the Archbishop Langton to take.

But not all the self-restraint of the legate could commend him to Langton, whose obstinate insistence upon his metropolitan authority forced Pandulph to procure "bulls" from Rome specifically releasing him from the jurisdiction of the Primate.

The young King, Henry the Third, at the coronation just referred to, then only fourteen years of age, swore to observe the laws of Magna Charta, notwithstanding the Pope's condemnation of the Charter; but it is sad to be obliged to say that he frequently broke them during his long reign. Pembroke's death, at the beginning of 1219 A.D., after a year spent in giving order to the realm, brought no change in the system he had adopted.

The control of affairs passed into the hands of the legate, Pandulph, of Stephen Langton, says Prof. J. R. Green, and of the Justiciar, Hubert de Burgh.

ARCHBISHOP LANGTON'S RETURN FROM ROME

De Burgh's conception of good government lay in a wise personal administration, in the preservation of order and law, but his desire for national independence was hampered by the constant interference of Rome.

The close of the struggle for the Charter saw the feudal party break out in their old lawlessness and defiance of the Crown. For a time the anarchy of King Stephen's days seemed to revive. But the Justiciar was resolute to crush it, and he was aided by the strenuous efforts of Archbishop Langton. The complexity of the political situation is sometimes perfectly bewildering. The nobles and the towns formed two great parties, natural enemies to each other, both of which England was at this time too weak to govern, and between which she could not choose without throwing the other into the arms of France.

If, in the face of these difficulties, the country might not unnaturally acquiesce for a time in the new encroachments of the legate, Pandulph, on the other hand, was not a man to miss the opportunity of power. A keen perception of opportunity seeming indeed to have been among the most remarkable qualities of a man more fitted to acquire power than to retain it, and, who hastened by un-

governable arrogance, says the Rev. W. W. Shirley, a fall which was perhaps inevitable. The first year of his legation was passed in almost unbroken success. But this unbroken success did not last long, for the fall of Pandulph was occasioned by the joint action or tacit understanding of Archbishop Langton and Hubert de Burgh.

For the vacancy caused by Geoffrey Neville's resignation of the office of seneschal, Pandulph and Des Roches recommended a native noble, whilst De Burgh, who had himself been seneschal in the last reign, supported the petition of the cities, who dreaded the dictatorship of a feudal neighbour and implored the appointment of an Englishman.

The Great Council seems to have approved of De Burgh's policy.

A private "bull" addressed to Pandulph himself arrived at the very time the Great Council was sitting, in which it was stated that no obedience was due to the metropolitan (Archbishop Langton) from the legate so long as he continued to be only Bishop-elect of Norwich.

Thus, at the very moment that De Burgh was for a time in open difference with Pandulph, Stephen Langton had to suffer a keen mortification from him. Then the latter set out for Rome. By what support the man who had so fearlessly resisted the encroachments of the papal power in England could hope to carry his cause at Rome we would

like to know, but that he did gain his point is evident from the fact that he wrested a promise from Pope Honorius the Third that so long as he was Archbishop of Canterbury no papal legate should be sent to England, therefore the direct interference of the papacy in the government of the realm came to an end.

Pandulph was not called upon to resign, but his resignation naturally followed, and he departed with every expression of respect upon an impossible mission to Poitou. Thus Rome destroyed with her own hands that singular fabric of legatine government which she had so recently and boldly set up.

THE CHARTER, LANGTON'S CHIEF OBJECT

But even these services of the Primate were small compared with his services to English freedom. Throughout his life the Charter was the first object of his care.

The omission of the articles which restricted the royal power over taxation in the Charter which was published at Henry the Third's accession, in 1216, was doubtless due to the Archbishop's absence and disgrace at Rome. The suppression of disorder seems to have revived the old spirit of resistance among the royal ministers, for when Stephen Langton, as leader and spokesman of the Barons,

demanded a fresh confirmation of the Charter in Parliament, at London, 1223 A.D., William Brewer, one of the King's councillors, protested that it had been extorted by force and was without legal validity.

(Willelmus de Briwere, qui unus erat ex consiliariis regis, pro rege respondens, dixit, "Libertates quas petitis, quia violenter extortae fuerunt, non debent de jure observari.")

"If you loved the King, William," the Primate burst out in anger, "you would not throw a stumbling block in the way of the peace of the realm." (Si regem in veritate diligeres, pacem regni non impedires.)

The young King was cowed by the Archbishop's wrath, and promised observance of the Charter.

It was, no doubt, with the view of checking the efforts of Peter de Roches and his partisans to get complete mastery of the young King that Archbishop Langton and Hubert de Burgh obtained, in the year 1223, a declaration from the Pope that Henry was now old enough to direct the affairs of the kingdom himself, with the aid and advice of his Council.

The Archbishop and his suffragan (diocesan) bishops were to warn all who had the custody of fortresses, honours and manors belonging to the King to surrender them on pain of excommunication.

Although the fall of Pandulph left to De Burgh the first place in the State, it left an unscrupulous rival at his side. De Roches, who thwarted De Burgh and became the leader of aggrieved nobles, with the Earls of Chester and Albemarle, Falkes de Breauté and other foreigners at their head, attempted to seize London and overturn the Government. Thwarted in this, they returned to Leicester, where they celebrated Christmas with defiant pomp. The die was cast. A trial of strength between the two parties was inevitable. Resolved on the part of De Burgh that the royal court should assemble for Christmas at Northampton, near enough to Leicester for intimidation, and, if necessary, for action. It was a move, however, which could only have been taken in the consciousness of strength. It was an appeal to the loyalty of the country and most nobly it was answered. Such a royal Christmas, the chronicler assures us, had never been kept since the days of Cœur de Lion. The Church, as usual, played her foremost part, and on the morrow after Christmas, the bishops, with their courageous and determined Primate, Stephen Langton, at their head, solemnly excommunicated the leaders of the Leicester secession. This display of power was conclusive. Overmatched and disheartened, the rebels hastened to make their peace and surrender the royal castles. Archbishop Langton and the baronage demanded, two years later, 1225 A.D., a

fresh promulgation of the Charter as the price of a subsidy, and Henry the Third's assent established in principle, so fruitful of constitutional results, that redress of wrongs precedes a grant to the Crown.

BISHOP HUGH OF LINCOLN

Archbishop Stephen Langton was at the head of the Commission appointed by the Pope in 1223 A.D. to examine the miracles alleged to have been performed at the grave of Hugh, the late Bishop of Lincoln, who died 1200 A.D.

No one could influence Henry the Third so powerfully as the fearless Hugh of Lincoln, who when the former wanted to prefer a courtier to a prebendal stall at Lincoln Cathedral, says Rev. C. A. Lane, the Bishop replied, "O king, the benefices of the Church are for ecclesiastics, not for those who serve the palace." Hugh's frank and dauntless manner and faith in the King's sense of right made him Henry's firmest friend, and when Richard the First succeeded his father on the English throne, no man could stand so fearlessly and conscientiously before him as Hugh.

When King Richard the First sent to England a demand for more money for the support of his war with France from the barons and bishops and clergy, it was this same Hugh, already referred to

at the beginning of this book, who said, on behalf of the clergy, "Our homage to the King does not include military service for foreign wars." Richard's reply was to order the Bishop's goods to be confiscated, but none of the King's officers ventured to carry out his mandate for fear of episcopal anathemas. To save the King's officers from Richard's wrath, Bishop Hugh visited the impetuous monarch in Normandy, who was at that time attending a celebration of the Holy Communion.

The Bishop boldly advanced to the King and claimed the kiss of peace, which was then a customary part of the Eucharistic Service. The King looked another way; the service was suspended, and all the nobles watched the singular mental struggle. "Kiss me, my lord," said Hugh again, "for I have come from far to see thee." "You have not deserved it," replied Richard. "Nay, but I have," and he laid hold of the royal robe. The King now turned towards the prelate, but there were no signs of flinching on the part of Hugh when their eyes met, so the lion-hearted was vanquished and the kiss was granted. Afterwards Richard said, "If all bishops were like Hugh, no prince would venture to withstand them." His remarkable courage has gained for him the pseudonym of *Regum Malleus*, "the hammer of kings."

The report of Archbishop Langton respecting alleged miracles at Hugh's grave was so favourable

that Pope Honorius the Third at once issued the bull of canonization of St. Hugh of Lincoln.

ROME'S DEMAND FOR PECUNIARY HELP

Once more the Archbishop of Canterbury had to deal with a papal legate who had come to England to disturb the peace of the Church of which he was the ecclesiastical chief. A chaplain of the Pope, named Otho, was sent in the Pope's name in 1225 A.D., on a special mission to lay before the English Church the poverty of Rome, and to request that "all should unite as natural children to relieve the needs of their Mother (the Romish Church) and their Father (the Pope). The way in which Otho proposed that this should be done was, that in every collegiate church the revenues of one prebend, and in every cathedral church that of two prebends, together with a fixed sum from every monastery, should be reserved for Rome.

Langton insisted that the matter should be referred to an English Council and to the King. The Council was summoned to meet in London in the following spring. Meanwhile the Archbishop induced the Pope to recall Otho, and when the Synod met at St. Paul's, May 4, 1226, he laid before the assembly the papal claims, and pointed out that the same demands had been made on the Church of France, but had been neglected by the French clergy.

It was resolved by the King, the nobles, and the prelates that the Archbishop should make the following wise and cautious reply to the papal request: "What the Lord Pope asks us to do is a matter which affects the whole Christian world. We are placed, as it were, on the very confines of the world, and consequently desire to see how other kingdoms will act in regard to these proposed exactions. When we shall have the example of what others do before our eyes, the Lord Pope will not find us more backward in obedience."

With this answer the Roman Curia had to rest content, and Stephen Langton was never again troubled by a papal legate or nuncio.

Leaving the affairs of his diocese in the hands of his brother Simon, whom he had appointed Archdeacon of Canterbury, the Cardinal-archbishop of Canterbury retired to his country residence at Slindon in Sussex, where he died July 9, 1228 A.D., after reigning twenty-two years as archbishop; and his remains were deposited in a chapel called St. Michael's, or the Warrior's, in Canterbury Cathedral, which stands on the south side against the western transept.

HEAVY BLOW TO ENGLISH FREEDOM

Notwithstanding the opposition made by Stephen Langton to the exactions of Rome, Pope Honorius

greatly extolled him when dead, saying, "The custodian of the earthly paradise of Canterbury, Stephen of happy memory, a man pre-eminently endowed with the gifts of knowledge and supernal grace, has been called, as we hope and believe, to the joy and rest of paradise above."

The death of the Archbishop was a very heavy blow to English freedom. In persuading Rome to withdraw her legate, the Primate had averted a conflict between the national desire for self-government and the papal claims for overlordship. The mere consideration of the fact of legatine authority, and the vivid alarm with which the attempt to renew it, after the death of Langton, was regarded, certainly leads to the conclusion that it was singularly oppressive and unpopular; and we may fairly infer that the experience of its evils was one of the chief causes which operated during the next few years to determine the political attitude of the English Church.

It is hardly an exaggeration to say that, during the infancy of our Constitution, the influence of the Church was almost more important than that of the lay nobility. It was by the Church, led by Archbishop Langton, full as much as by them, that the Great Council was won; it was by her again, and chiefly through her titular head, that the country was delivered from the yoke of legatine authority; it was by her also that De Burgh was

maintained in power; it was from her, finally, that Simon de Montfort derived his most able and consistent support.

The cause of this is extremely simple. Not only was the Church more advanced in political intelligence, it had also the most at stake in the government of Henry's reign, viz. the exclusion of aliëns from power.

But Langton's death gave the signal for a more serious struggle; for it was in the oppression of the Church of England by the Pope's during the reign of Henry the Third that the little rift first opened which was destined to widen into a gulf that parted the one from the other at the Reformation. It was only by the promise of a heavy subsidy that Henry the Third, in 1229 A.D.; could buy the papal confirmation of Langton's successor, but the baronage at once rejected the King's demand for an "aid" to Rome.

WHY WAS ARCHBISHOP LANGTON NOT MADE A PAPAL LEGATE OF SOME SORT?

It may be profitable to consider this question here. Was the position offered him by either Innocent the Third or Honorius the Third, popes of Rome, during his tenure of the archiepiscopal See of Canterbury? Did Innocent think Stephen

Langton too learned, too judicious, and too mighty a person to entrust with a power almost, for the time being, equal to his own? Was he afraid of a possible supersession by Cardinal Langton in effect, if not in name, if he made the latter a permanent papal legate?

In those days it was not, we must remember, an impossible thing, as it has seemed now for hundreds of years, for an Englishman to become Pope of Rome, for in the same year that Henry the Second was crowned by Theobald (1154 A.D.), Nicholas Breakspear, an Englishman, had been made pope, under the title of Adrian the Fourth; although this is the only instance of an Englishman obtaining that position.

But can we conceive of Innocent the Third, after the account already given of him, offering Archbishop Langton the position of papal legate in England, a position which had been held by some of his predecessors? I think so, but, it would seem to me, probably, only on condition that the office must be accepted and exercised literally, submissively and thoroughly dependently on the offerers' will. Innocent's love of and his idea of inherent power as Vicar of Christ on earth would force him to demand from such a character as Stephen (whose college friend he had been, whose independence of character he would have noticed, and probably was well aware of his intense patriotism for his

native country) a definite, clear, literal promise that he would be content (like the officials of Frederic the Great of Prussia, 1740-1748 A.D.) merely to register papal decrees, and fulminate papal bulls against any and whomsoever he (Innocent) might issue them.

By making Henry, Bishop of Winchester, to be a *legatus ordinarius* or ordinary legate, in 1137 A.D., the Pope placed the Archbishop of Canterbury in subjection to one of his own suffragans, cleverly calculating that the Archbishops of Canterbury in the future would be not only willing but anxious to avoid the repetition of so grave an outrage by assuming the chains of slavery themselves.

Assuming the offer was made by Innocent on the humiliating condition imagined, and refused by Archbishop Langton, it would still be greatly to the latter's credit, for in the Middle Ages the position of papal legate was a powerful one, as will be gathered from the following: William of Corbeil, Archbishop of Canterbury, claimed and obtained the office in 1127 A.D., and it was held by the archbishops, with occasional interruptions, till Cranmer disavowed it in Convocation in 1534 A.D. The archbishops accepted the office rather than have a legate appointed over their heads, and it added to their dignity and authority in the eyes of the Church; the popes were glad to give them the office because it turned into supporters of the

papal authority in the Church of England those who would else have been its bitterest and most powerful opponents; and gave to much of the constitutional authority which they exercised as archbishops the appearance of being exercised as the delegated authority of the "Apostolic See." And this system also helped very much to familiarise men's minds with the doctrine of papal supremacy, and caused hopeless confusion between the metropolitan and legatine powers of the Archbishop of Canterbury. These *ex officio* legates whom the popes found it convenient to appoint in other churches besides England, were called *legati nati*, i. e. born, or *ex officio* legates.

But the popes continued from time to time to send special legates, *legati a latere*, i. e. "from beside himself," on special occasions, and their authority for the time superseded that of the *legatus natus*. Thus Pandulph was sent to receive King John's surrender and oath of fealty. Otho and Ottoboni were sent, in Henry the Third's reign, to regulate and plunder the Church which John's surrender had placed at the mercy of the Court of Rome.

THE ARCHBISHOP'S TREATMENT OF POPES' COMMANDS

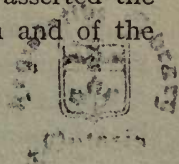
After Archbishop Langton's treatment of the commands of Innocent the Third, we can hardly

imagine that the latter's successor, Honorius the Third, would be anxious to entrust the former with legatine or ambassadorial power in a country so far away, when locomotion and transmission of business were not expedited by steam engines, steamships, telephones, telegraphs and marconigrams, but even if he made the offer to the Archbishop of Canterbury, it would be refused, in my humble judgment, for the same reason that he refused, if approached, the offer of Pope Innocent. And the reason for the assumed twice offered and twice refused position would probably be that he had learned from his reading of British-Anglo-Saxon and Anglo-Norman history that the Church of his native land had again and again asserted its independence, and that, therefore, the Pope of Rome as such had no really effective, but only a kind of conventional jurisdiction within the realm of England; or how could Langton have managed to persuade Pope Honorius the Third to grant "that the Archbishop of York should carry his cross only in his own province, that the Pope should not give away any English benefice to a foreigner in succession to a foreigner; and that no legate should ever again be sent to England during his (Langton's) life; the result being a complete victory for his policy as regards the administration of the English Church?"

In the light of Honorius's promise—and let us bear in mind that he was the immediate successor

of the would-be world-dominating Pope Innocent—not to make appointments of foreigners to English benefices and of a legate to our country, how could the English Church at this time, we ask, be considered as wholly subservient, as asserted by some, to the Church of Rome?

We would here seem to have some support for the reason given respecting the refusal of the assumed offer of a papal ambassadorship by Stephen Langton. But it might be replied that Pope Honorius was prudentially waiving his rights only for a time, and that the Archbishop of Canterbury was only anxious for his own personal honour and ascendancy in stipulating that the promise should only be operative during his lifetime. Archbishop Langton was too much of a statesman to lose the opportunity of getting the public promise of the Pope of Rome in essential matters, even if only for his own lifetime. By this action the former kept before the eyes of the English people what had been held, perhaps, rather dimly before his time—namely, the independence of their Church and of their nation. And most probably Langton believed that, whoever might be his successor, he would adhere firmly to Magna Charta, which asserted the privileges of both the national Church and of the different orders of English people.



THE FORGED DECRETALS

Again, some support for the reason given why Archbishop Langton refused the assumed twice offered papal legateship may probably also be obtained from the matter of the Forged Decretals. What are these?

Somebody, who took the name of Isidore, a famous Spanish Bishop (560-636 A.D.) who had been dead more than 200 years, made a collection of Church law and of popes' letters; and he mixed up with the true letters a quantity which he had himself forged, but which pretended to have been written by bishops of Rome from the very time of the Apostles. The forger (Isidore Mercator) published them in Spain about 845 A.D., and he naturally fathered them upon the great Isidore of Seville. And in these letters it was made to appear that the Pope had been appointed by our Lord Himself to be head of the whole Church, and to govern it as he liked; and that the popes had always used this power from the beginning. Now, nobody in those times had any notion that they were false, and so they were believed by every one, and the Pope got all that they claimed for him. And for some generations after the publication of the pseudo-Isidorian decretals, the See of Rome gradually pressed forward the claim to an ultimate appellate

jurisdiction, and consequently, to the headship of the Church.

The Roman theologians had put this claim, not on the ground that such an organisation had gradually grown up and was practically advantageous, and thereupon ought to be accepted by all Christian people, but they had declared it to be of divine right. Christ, they asserted, had given to Peter and his successors a supremacy over the Church; and the popes of Rome were the successors of Peter; and so they claimed, as of divine right, that the Pope was the centre of Christian unity, and the head of the Church on earth, and the representative and vicegerent of Jesus Christ her Lord. This theory Innocent the Third did his best, as we have already seen, to make it a reality.

But did Archbishop Langton believe in this theory? It is true he had connived—nay, more, that he had asked for the putting into practice of this theory against King John with regard to the latter's excommunication, and in his acquiescence with the "Interdict" which affected the whole kingdom, but evidently, from what we have just seen in his attitude towards both Innocent the Third and Honorius the Third, he had not a wholly implicit and unquestioned belief in the theory, or else he would not have flatly disobeyed Innocent's injunction to excommunicate the barons (when the latter declared Magna Charta null and void), and

Langton would never have dreamed of suggesting or demanding the terms, recently referred to, which he obtained from Pope Honorius.

LANGTON'S RESPECT FOR ROME

Archbishop Langton, no doubt, had respect for Rome as the centre of wealth and learning.

The Middle Ages, in spite of many diversities, have a certain stamp of unity, and, above all, of simplicity. The papal court was a common meeting place at the end of the twelfth century for the best intellects from all lands. There was one common language for all formal interchange of thought. There was one great system which separated all Europe into classes, and made all the members of a given class akin. A nation, on the other hand, as such, had little influence on its neighbour, and mingled seldom in that neighbour's quarrels. Kings went their own way, for the most part untrammelled by fear of interference. Each country had only to reckon with a sovereign, a few bishops and nobles, and a large uneducated mass of people; not as to-day, with the most far-reaching representation, with a king or president, with a Parliament of two Houses of Representatives. And all this simplicity of the times is admirably reflected in the documents that have come down to us.

The fact that Rome was so important a place

did not prevent Langton from believing in the independence of the English Church and of the English nation. But he did not, in the least, act as if he thought the Church of Rome was a totally different body from his own Church; rather, he looked upon that Church as running on parallel lines with his own as regards essential doctrines, and considered both these Churches as national Churches, and forming part of the Catholic (not Roman Catholic) Church of Christendom. If Archbishop Langton had been so obsessed with the idea of the English Church being a subordinate part of the Roman Catholic Church there would be great reason for believing that he would have worked hand and glove with Pope Innocent, who would have made him a papal ambassador with full powers (*legatus a latere*), and this office would have been confirmed to him by Pope Honorius the Third.

Such a scholar as Langton was likely to be an omnivorous reader, as well as a voluminous writer, and therefore would know that England owed its Christian religion not in a specially large way to the Italian band of missionaries but in a considerable degree to missionaries from Ireland and Scotland, who in their turn were indebted to a great extent to Gaul or France, and the latter, of course, not only to missionaries from the West, but also from the East, the birthplace and burialplace of Him whom both Roman Catholic and English Catholic tried

and do try to glorify and make known to all men.

If it be said that Archbishop Stephen Langton's episcopate was uneventful, this much must be said, that for one who suffered so much and worked so well in other ways he might well be pardoned whose pastoral work was not comparable with his work as a statesman, patriot, social reformer and scholar. And yet his work as an archbishop was not without some interesting features when we take into account the difference between the circumstances and conditions of life in his time and our own, for we find that, amongst other things.

STEPHEN LANGTON WAS A CHURCH REVIVALIST

He had a fondness for the magnificent in ecclesiastical ritual. To restore religious fervour and enthusiasm in the country, when reading was not the common heritage of all, he caused the memory of several famous English saints to be revived by translating their remains to much grander shrines or sacred places; thus the remains of Wulfstan, the Saxon Bishop of Worcester, 1061 A.D. (the dignitary who was so popular that even William the Conqueror thought it not politic to remove from his See in order to make way for a Norman ecclesiastic), and Thomas Beckett, Archbishop of Canterbury, 1162 A.D., were translated, amidst imposing

ceremonies; to witness the latter noblemen and prelates came from foreign countries. Cardinal Archbishop Langton entertained the company after the function in the new palace he had built which, to the eyes of contemporary chroniclers, could hardly have been surpassed by the glories of King Solomon's buildings, and the banquet was such as recalled the feastings of King Ahasuerus. Langton's lavish expenditure on the ceremonies in connection with the translation of Thomas Beckett is said to have involved the See of Canterbury in debts of which it was not cleared until the fourth primate in succession from himself. In this the Archbishop seems to have gone beyond the scriptural injunction that a bishop must be given to hospitality.

The cause of the financial encumbrance of the See of Canterbury was looked upon as its great event in the thirteenth century, and as one of its most glorious pageants, for "the chroniclers" agree in stating that the concourse of people from all nations was of a character such as England never before witnessed. For fifty years the martyr's corpse (Archbishop Beckett) had rested in the crypt; but on the night of July 6, 1220 A.D., it was privately removed under the superintendence of Prior Walter by the monks of Christ Church, in the presence of Archbishop Langton and the Bishop of Salisbury, and carried to the west end of the nave. The remains were placed in a strong coffer studded with

iron clamps and nails, where they were watched till the dawn of July 7. On that morning, in the presence of the boy-king, Henry the Third, of too tender years to be himself a bearer, the coffer was raised on the shoulders of Pandulph, the papal legate, Archbishop Langton, Hubert de Burgh, the grand Justiciary and the Archbishop of Rheims, and borne by them into the quire, and up the steps of Trinity Chapel. Liberal provision was made for the vast crowd, which consisted

“ Of bishops and abbots, priors and parsons,
Of earls, and of barons, and of many knights
thereto,
Of sergeants, and of squires, and of his husband-
men enow,
And of simple men eke of the land, so thick thither
drew.”

Stephen Langton was well prepared for this universal concourse of all conditions of men, and was not taken aback by its numbers, for he had himself caused proclamations to be circulated of the great day whereon his martyred predecessor was to be honoured, two years before the event, and this not only throughout England, but throughout all the Christian states of Europe. Provision was made for the multitudes not merely in Canterbury itself, where at each gate tuns of wine were freely distributed to all comers, but the whole way

along the road from London to Canterbury hay and provender for man and beast were given to all who asked. In the following year, from a sermon on the translation of Thomas Beckett, the fiftieth year of the death of the martyr, it may be inferred that a good deal of uproarious revelry took place at the great festival.

DOMINICAN AND FRANCISCAN ORDERS OF MONKS

Again Langton showed himself a Church revivalist in his desire for the revival of spirituality amongst his people by introducing the Dominican and Franciscan Orders of monks into England, and allowing them to preach not only in his own particular diocese, but in his Province of Canterbury, which meant not only over the larger part of England, but where the populations, compared with the northern province of York, was much larger. But what real need was there for introducing these foreign orders at all into England when the country was well supplied at the time with religious houses in addition to many parish (secular as opposed to regular) priests? Whilst very much can be said in favour of the monastic communities, there was one very serious drawback to their beneficial influence on the nation. The support given to these great auxiliary institutions which were added to the system of the ancient Church of England tended

to weaken the hands of the bishops and clergy who had the cure of the souls of the people, for the Normans introduced the custom into England of endowing the monasteries which they founded or supported, not only with land and money, but also with the rectories of which they had become patrons, with the result that the vicars or representatives of the monasteries in the benefices were very poorly remunerated for their work, and lost prestige in the eyes of their parishioners because they were unable to confer temporal benefits upon them, as their predecessors, the old rectors, had been able to. This was one of the causes that tended to deteriorate the influence and usefulness of the secular—that is, the parochial clergy, and, therefore, tended to the moral and spiritual deterioration of the people, for parish chaplains could not really fill the place of the rector; no *locum tenens* could adequately fulfil the duties of an absentee.

SOCIAL AND RELIGIOUS CONDITIONS

As the population increased the clergy were not able to supply its spiritual needs. In the towns of England in the thirteenth century, the condition of the people bore some resemblance to that which forms the great and painful problem of our own days. Foul, crowded dwellings, in undrained and unscavenged quarters of the towns, inducing leprosy

and occasional visitations of plague, extreme poverty, ignorance, vice and misery, were among the characteristics of the Middle Ages as nearly all these are of our own. It was to meet this condition of things that the orders of friars were founded in the thirteenth century. The first Dominican friars landed 1221 A.D., and the first Franciscans in 1224; the former preachers to the educated and capable of dealing with the infidelity of the time; the latter, impressed with the miseries of the poor, were missionaries of charity to the most distressed and degraded outcasts of our great towns. They were mission preachers and, at this time, the purest and poorest of evangelists. "Nothing," it is said, in the histories of Wesley and Whitfield, "can be compared with the enthusiasm which everywhere welcomed them, or with the immediate visible result of their labours." But it is sad to relate that within a century these orders were destined to become lazy and covetous, quacks and pretenders, salt that had lost its savour, one of the saddest spectacles of degeneration in history, for, by the middle of the fourteenth century, we find Chaucer, in his prologue to the *Canterbury Tales*, elaborating a beautiful description of the evangelical virtues of a poor parson of a town (a secular priest).

"A good man there was of religion.

A Parson poor in worldly goods but

Rich in holy thought and work.
He preached the law of Christ,
And His apostles, and better still
Followed it himself; and never
Did he fail to visit all
Who were sick and in trouble !”

Whilst he satirises the jolly fox-hunting monk and the hypocritical cant and money-getting tricks of the friar—

“ A monk there was who cared
Little of what was said about him, and
Spared no cost to keep the finest greyhounds ;
And whose sleeves were edged with lace.
.
.
.
.
.
.
.
And there was a friar—
A riotous merry fellow enough,
Glib of tongue, yet solemn in his office,
And his penances were light,
When people made it worth his while.”

Archbishop Langton's desire for the moral and spiritual uplifting of his people prompted him to allow the Dominican and Franciscan orders of monks, when in their prime for religious purity and zeal, to come where they were so much needed, for the religious influence of the clergy had sunk to a low ebb; non-residence and ignorance and the disuse of preaching, on the part of many priests, and

the decline of the older monastic orders created a demand for these self-denying missionaries.

Walter de Map, chaplain to King John, and also a judge and ambassador, in an oft-quoted passage, writes: "The whole body of the clergy, from pope to hedge-priest, is busy in the chase for gain. What escapes the bishop is snapped up by the archdeacon, and what escapes the archdeacon is nosed and hunted down by the dean; while a host of hungry officials prowl around these greater marauders."

In Langton's attitude towards these friars we see that the pastoral, spiritual side of his office was not wholly laid aside. The Archbishop was evidently one who realised that there were diversities of gifts, and that such men as these missionaries were more able than himself and his clergy to bring about a higher moral and spiritual tone among both the educated and uneducated classes in his Province of Canterbury. Here the primate, I think, carried his aptitude for statesmanship into the pastoral needs of the large ecclesiastical province over which he presided, and, in this matter, I consider that Langton exhibited one of the marks of greatness of character in allowing others whom he thought could do the work, for which he was responsible, better than himself, and without showing any kind of jealousy at their success, and his own apparent lack of success in the spiritual side of his great position.

Archbishop Langton showed himself alive to his work as a pastor when the religious training and education of the people had to be done so much by the concrete, through the eye, by market crosses, architecture, etc., for he was a

CHURCH RESTORER AND CHURCH BUILDER

Great vigour was infused into the Church during the latter days of his primacy, which had its greatest effect in the rebuilding of old and the construction of new churches. Westminster Abbey nave and transepts present to us the finest specimen of Early English architecture. The Abbey Church, which Edward the Confessor built, had fallen into decay, and a great part was rebuilt by Henry the Third at the instigation of Langton.

From the register of Hugh of Wells, 1209-1235 A.D. (consecrated by Archbishop Langton during his enforced exile), it appears that three hundred vicarages (benefices) were ordained in his long episcopate. This meant a large amount of church building, probably a new church for the vicarages or parishes just referred to. And what the Bishop of Lincoln was doing in his vast diocese, other bishops were also doing, proportionately, all up and down the country. Therefore we may presume that this excellent Church work, in the Province of Canterbury, received the blessing of its archbishop, and

that, in the latter's own diocese, Stephen Langton encouraged the endowment and building of vicarages and benefices, and thus brought to the people a resident clergyman or, at least, the more frequent administration of the sacraments of the Church.

The Historical Manuscripts' Commission, vol. iv. p. 66, speaks of Stephen, Archbishop of Canterbury, notifying that Sir William Briwerr had in his presence granted the church of Coleton to the deanery of Exeter (1225).

CHURCH REFORMER

Again, Archbishop Langton was a reformer of Convocation, or the Church's Parliament. In the Anglo-Saxon period Church Councils were either assemblies of the whole Church (Anglicana), such as were held at Clovesho and Hertford (A.D. 673), or provincial gatherings of the clergy of York and Canterbury. In his organisation of the Church, Archbishop Theodore, the metropolitan of Canterbury, 668 A.D., provided for the annual meeting of a synod at Clovesho, somewhere in the neighbourhood of London.

Diocesan synods were only instituted after the Norman Conquest, and, before that date, membership of the provincial synods was confined to the episcopate or bishops. Abbots and archdeacons were added after the Conquest. The growth of

the Provincial Convocations is chiefly marked by the institution and development of the principle of representation. There are few traces of it before the pontificate of Stephen Langton.

In 1225 A.D. Langton summoned not only the bishops, abbots, priors, deans and archdeacons, but also proctors or representatives from the collegiate and monastic clergy; and by this means broadened its constitution.

SCHOLAR AND DIVINE

Archbishop Stephen Langton's reputation as a scholar and a divine in his day was great. He was a person of considerable learning, and is the author of various theological tracts, some of which have been printed, and lists of all them that are known are given by Cave and Tanner. It has been shown in a note to Watson's *History of English Poetry* (edition 1840, ii. p. 28) that there is no reason to suppose Langton to have been the author of a drama in the French language, which had been assigned to him by Mde. le Rue on no better grounds than the manuscript having been found bound up with one of the Cardinal's sermons.

One chief enduring result of Langton's industrious scholarship is seen in the division of the Bible into chapters and, expressed in the quaint words of an old chronicler, "He coted the Bible at Parys and marked the chapitres." This statement has been

confirmed by recent researches of Denifle, which prove already that the division of the sacred text into chapters owes its origin to Stephen Langton.

The importance of this work may be sufficiently gauged by its widespread adoption, for the division into chapters has not only passed from the Vulgate to all modern vernacular versions of the Bible, but has been applied with obvious advantage to the Greek New Testament and to the Septuagint. It is, indeed, one of the few cases in which Latin scholarship has affected the Eastern Churches. The Jews have adopted the division but not the Langtonian division.

The works written by or attributed to Stephen Langton are voluminous, but they consist chiefly of commentaries on the Scriptures which are distinguishable in general by their scholastic subtleties, and, were it not for his political celebrity, he would not hold a very prominent place among the Anglo-Norman writers. A rather early manuscript in the Bodleian Library (Oxford) sums up the literary labours of Stephen by stating that "while at Paris he divided the Bible into chapters and verses (quotavit), he wrote expositions on the book of Kings, composed a life of King Richard, and left many other volumes the produce of his industry." Langton, as already stated, is said to have been the author of the division of the books of the Old and New Testament into chapters and verses, but

others have disputed his claims, and attributed this mode of division to a French scholar named Hugh de St. Cher. The authority of the Oxford manuscript just quoted may, however, be considered as giving some weight to Stephen's claims.

Among his other theological writings, the most remarkable are the *Sermones de Tempore et de Sanctis*, which are preserved in manuscript. The Archbishop also enjoyed some reputation as a Latin poet. Perhaps the most singular of all Langton's writings is a brief sermon preserved in a manuscript in the British Museum (MS. Arundel, No. 292), in which he takes a stanza of a French popular song, and gives a theological comment or moralisation on each phrase. It is written in Latin and is entitled "The Sermon of Master S. de Langton, Archbishop of Canterbury, concerning the Holy Mary."

Dr. Hook says of Archbishop Stephen Langton, "A man more inflexibly upright than he or more profoundly erudite, both as a philosopher of the schools and as a biblical scholar, could not be found. In the controversies of a university not free from turbulence, and in the discussions of ecclesiastical chapters where intrigue was often busy, Langton had found opportunity to prove that, by his varied talents and knowledge of human nature, he was qualified to shine equally in the court and in the cloister, in the conduct of public affairs not less

than in the meditations of the contemplative life, among politicians as among scholars."

SYNOD OF OSENEY

Look at Archbishop Langton as the president of a very important synod, and we shall see him as a strict disciplinarian of the clergy, monks, nuns, and laity. In 1222 A.D. he presided over the Provincial Council held at Oseney, Oxford, when the following decrees, composed by himself, were passed (the decrees are printed in the collections of Spellman and Wilkins)—

1. Excommunicates generally all who encroach upon the rights of the Church, disturb the public peace, etc.

2. Directs that bishops shall retain about them wise and charitable almoners, and attend to the petitions of the poor; that they shall also at times themselves hear and make confessions; that they shall reside at their cathedrals, etc.

3. Forbids bishops, archdeacons, and deans to take anything for collations or institutions to benefices.

4. Concerning a dispute among patrons.

5. Concerning the Divine Office (*i. e.* Holy Communion) and of Baptism. (*Praecipue baptismatis et altaris devotissime.*)

6. Orders the celebration of the nocturnal and diurnal office, and of all the sacraments, especially those of baptism and of the altar, with such devotion as God inspires.

7. Forbids priests to say Mass more than once in the same day, except at Christmas and Easter, and when there was a corpse to be buried.

8, 9. Clergymen should not be merchants or tradesmen; should not practise secular jurisdictions especially those in which there is annexed the judgment of blood.

10. Orders curates to preach often, and to attend to the sick.

11. Directs that the ornaments and vessels of the church be properly kept, and that in every church there shall be a silver chalice and a clean white linen cloth for the altar; also that old corporals be burnt, etc.

12. Forbids any one to resign his benefice, and to retain the vicarage, to prevent suspicion of unlawful bargain.

13. Forbids to divide benefices in order to provide for several persons.

14. On what persons vicariates (benefices) ought to be conferred. Any one unwilling to be ordained to the priesthood to be deprived of a vicariate.

15. Orders churches, not worth more than five marks a year, to be given to none but such as will reside and minister in them.

16. Assigns to a perpetual vicar a stipend not less than five marks, except in Wales, "where vicars are content with less by reason of the poverty of the churches." Orders that the diocesan (bishop) shall decide whether the parson or vicar shall bear the charges of the church.

From these rules of the Council of Oxford 1222 A.D., we can illustrate how great was the difference in wealth and social position between the higher and the lower clergy.

Whatever may have been the gulf between the wealth of bishops and the poverty of the parish clergy in the seventeenth or eighteenth century, it is as nothing to what we find in the Middle Ages—five marks a year the minimum stipend for the parish clergy.

17. Orders that in large parishes there shall be two or three priests.

18. Directs that the bishop shall make the person presented to a living, take an oath that he has neither given nor promised anything to the patron.

19. Provides that in each archdeaconry confessors shall be appointed for the rural deans and others of the clergy who may be unwilling to confess to the bishop.

20. Takes from the rural deans the cognisance of matrimonial causes.

21. Forbids, under anathema, to harbour thieves, etc.

22, 23. Relate to archidiaconal visitations. Forbid those dignitaries to burden the clergy whom they visit, with many horses, to invite strangers to the procurations provided for them, and to extort procurations without reasonable cause.

24. Forbids to let out to farm archdeaconries, deaneries, etc.

25. Orders the archdeacons to take care in their visitations that the canon of the Mass be correct, that the priest can rightly pronounce the words of the canon and of baptism, that laymen be taught how to baptise rightly in case of necessity, and that the host, chrism, and holy oil be kept under lock and key, etc.

26. Forbids bishops, archdeacons, and their officers to pass sentence without first giving the canonical monitions.

27. Forbids to exact any fee for burials and the administration of the holy sacraments.

28. Respecting the life and honourable reputation of the clergy.

29. Concerning the alienation of ecclesiastical possessions.

30. Orders ecclesiastics to wear decent habits with close copes, to observe the tonsure, to keep their hair cut short, and to abstain from immoderate eating and drinking.

31. Forbids clergymen in Holy Orders publicly to keep wives.

“ It was by no means a matter of course that the presentee or occupant of a benefice was in Holy Orders. Great laxity prevailed. Many presentees were refused institution until they had attended at the ‘ schools ’ of Northampton, or Oxford, or other places for a certain length of time.”

32, 33. Concerning the vesting or clothing of nuns and abbots.

34. Forbids the clergy to spend their ecclesiastical revenues in building houses on lay fees for their sons, nephews or concubines (wives).

35. Nothing to be extorted from those living in religion.

36. Forbids the nuns to wear veils of silk, to use pins of silver and gold, and to wear girdles worked and embroidered, and long trains.

37, 38. Respecting the concession of many benefices and of matrimony.

39, 40. Concerning the hindrances and impediments, etc., of Jews.

41. Forbids to give a person already provided with a benefice having cure of souls, any revenue out of another church.

42, 43. Orders monks to live in common, and forbids them to receive any one into their community under eighteen years of age.

44. Orders monks to give away to the poor what remains of their repasts.

45. Forbids monks to make wills.

46. No religious person should hold any property.

47. Forbids monks and canons regular to eat and drink save at the appointed hours, permits them to quench their thirst in the refectory, but not to indulge.

48, 49, 50. Religious persons should not be gluttons. Other directions as to their social behaviour.

Very remarkable were these enactments of the Provincial Council of Oseney. Archbishop Stephen Langton, who was of an ascetic disposition (and the canons just given would seem to imply a general prevalence of clerical matrimony), dealt in the harshest way with the wives of the married clergy, styling them mere concubines, and insisting on their being put away immediately. All "concubines" (wives), unless they get them gone, are to be expelled from the Church, refused the sacraments, and even, added the austere primate in his injunction, denied Christian burial. The clergy who persisted in living with them were to be suspended, and were to be subjected to severe penance before absolution was granted. But a recognition of the marriage of the clergy took place in 1225, when a canon was published allowing the wives of the clergy to be admitted to the sacraments of the Church if they expressed penitence.

Langton was not of an unstable disposition, and

when we compare him with his eminent predecessor, Archbishop Thomas Beckett, he was much more consistent than he in the maintenance of a public cause, but where he himself was concerned he was submissive to a fault. There is no record of any eccentric asceticism at one time and of relapses into luxurious living at other times, on the part of Langton, during his residence at Pontigny. He was ready to leave his books that he might enter into the duties of public life. We never read of his injuring his cause by his impetuosity or through the ebullitions of a violent temper, although he was not devoid, as already seen in his canons of Oseney, of an exhibition of cruel asceticism.

But this attitude (harsh and unreasonable as it seems to us) towards the wives of the clergy was not new, for synod after synod had continued to legislate against the married clergy before Langton's enactments, on which Dr. Cutts says, "that the clergy might not leave such partners (wives) anything in their wills, that if the poor wives didn't leave their partners (husbands) they should be excluded from the Church and the Sacraments; and if that did not suffice, they (wives) should be stricken with the sword of excommunication; and, lastly, the secular arm should be invoked against them."

This synod of Oseney enjoins the clergy "not to be dumb dogs, but with salutary bark to drive away the disease of spiritual wolves from the flock."

It was this Provincial Council which has been rendered famous by one of the earliest known instances of execution for heresy, which is not much to the president's credit. An impostor who pretended to be Jesus Christ, and who showed scars on his hands, feet and sides, which he said were inflicted on him by the Jews, was condemned by the Council, and put to death on a cross; and this Council also condemned to be burnt a deacon who had apostatised to Judaism to marry a Jewess; the latter case the only capital condemnation for heresy which we read of till the passing of the Act *de heretico comburendo* in 1400 A.D., that is, the burning of heretics, by which persons condemned in the Church courts for false teaching were handed over to the sheriff of the county to be burnt alive.

Here we have

ARCHBISHOP LANGTON AS A BANISHER OF STRANGE DOCTRINE

Strange that Langton, who was, as already stated, such a biblical scholar in his own day, and who must have read the Sermon on the Mount and St. Paul's Triumph Song of Love or Charity (1 Cor. xiii.) could be a party to the cruelty just mentioned. If we judge this side of his character by the Christian conscience of our own day, the Archbishop's attitude towards heresy

would be a cruel and intolerable one; but if we judge him, it ought to be taken into account that he had spent a large amount of the responsible portion of his life on the Continent, where there was not very much compunction on the part of his contemporaries to inflict condign punishment on heretics (*vide* Innocent the Third), and then we may not find it difficult to imagine that he sincerely believed it necessary to the glory of God and the extension of His Kingdom that blasphemy and heresy ought to be so punished in the flesh that the spirit might be saved in the day of the Lord Jesus.

As the years rolled on, and with their wider and supposed more tolerant ideas, we find in A.D. 1402 (Henry the Fourth) that Sawtree—a Lollard priest, was burnt for heresy. In the sixteenth century, as in the Middle Ages, it was still thought to be the business of the State to uphold religious truth and to put down heretical teaching by the severest means. To tolerate error was regarded as a sin, and it was looked upon as something like rebellion for a subject to reject the religion of his sovereign. Protestant and Catholic (Roman) Kings alike had sent those who disagreed with their doctrines to the scaffold. Many were the victims of Henry the Eighth's ecclesiastical policy. Edward the Sixth had burnt the extreme Protestants called Anabaptists, and Calvin himself had condemned to death the Unitarian Servetus.

From 1648 to 1654 A.D. the followers of the strange enthusiast, George Fox, began now to be abundant. For some reason or other these fanatics were worse treated than the others. The gaols are said to have been full of Quakers under the Commonwealth.

Cromwell's Constitution (1654-8 A.D.) promised liberty of worship to "all such as do profess faith in God by Jesus Christ"; yet Anglicanism and Catholicism (Roman) labelled Prelacy and Popery—and regarded as idolatrous or politically dangerous—were excepted by name from this promise. Even the English Church Prayer-Book was prohibited from being used either in public or in private. In August 1645 A.D. any one using the Book of Common Prayer was to be fined five pounds for the first offence, ten pounds for the second, for the third a year's imprisonment. Any minister not using the Government's Directory of Worship was to be fined forty shillings for each offence. This was done in the name of toleration. Slow, but dreadful cruelty was inflicted by a so-called toleration government on hundreds of clergy and their families. Even a writer who does his best to put Cromwell as a tolerant man says that, in June 1654, a Catholic (Roman) priest was executed in London for no crime except being a priest. And this took place four hundred years after Archbishop Stephen Langton's time.

History, the record of human actions, tells us that Roman Catholic, English Catholic and Protestant,

Nonconformist and Calvinist, have all been guilty of cruelty one towards another, but, unfortunately for the detractors of professedly Christian representatives, the practising of cruelty, on account of a difference of opinion, does not belong exclusively to Christians, for what could have been more horrible than the terrible cruelties inflicted by Infidels, so-called Theists, and Socialists, in the shape of butcheries and wholesale drownings of crowds of Christian clergy and laity, and also of Non-Christian men and women during the French Revolution, 1789-95 A.D., in the name of liberty, equality and fraternity?

Immediately after the execution of the unfortunate queen, Marie Antoinette, 1793 A.D., the enthusiastic and noble-hearted Madame Roland was led to the scaffold. On passing before the statue of Liberty, which was erected at the Place de la Revolution, she apostrophized it in the memorable words: "O Liberty! what crimes are committed in thy name!"

And these awful deeds were done 550 years after the Archbishop's time.

Stephen Langton's cruel attitude at the Synod of Oseney is not praised or approved by the Christian code of ethics, but he must be judged fairly, and this cannot be done if this particular conduct of his be looked at and judged by what we see through twentieth-century spectacles.

SOCIAL REFORMER

Archbishop Langton's attitude as a Social Reformer, that is, his regard for the good of the nation as a whole, should be recognised.

Immediately preceding Magna Charta, Langton saw through the attempt made by the King and Pope to separate the cause of the clergy from that of the barons, by offering to the clergy, first as from the King himself, and then from the King ratified by the Pope, a charter of ecclesiastical liberties which might easily have been accepted by one less able or more selfish, but our hero would not have anything to do here with party or sectional advantage. In the few details of Magna Charta, already given, we see the position of freemen, merchants, barons, clergy, women, and the villeins very much improved. If social reform is to be of any real good it must be backed up by efficient rulers, and, amongst the latter, we find Langton strenuously aiding the efforts of Hubert de Burgh, Justiciar of Henry the Third, in crushing the anarchy prevalent 1219-21.

In the preamble to the canons enacted at Oseney, 1222, a sad picture of the times is presented to us. Excommunication is declared to be *ipso facto* incurred by all who violate monasteries, seize the goods of clergymen or their tenants, or in any ways

molest their persons, and especially of those who keep robbers on their lands, in their castles or houses; or are sharers with them, or are lords over them. One of the worst of these robber-chiefs was the ruffian Falkes de Breauté. An event, in the summer of the year 1224, shows that some powerful influence was at work in Rome adverse to Henry the Third's interests, for amongst the hostile barons was this Falkes de Breauté, a man of infamous character, but one who, nevertheless, somehow or other succeeded in securing (one writer says by purchase) the powerful protection of Pope Honorius the Third. He had long been famous, or infamous, in England for his crimes, and for setting all laws at defiance almost as he pleased.

This year his evil courses reached a climax. He was summoned before the King's justices at Dunstable to answer to more than thirty writs for having robbed various people, and he was condemned to pay heavy fines for the King. De Breauté, upon hearing this, sent soldiers from Bedford Castle to seize the persons of the judges. One was taken and imprisoned. Refusing to set the ill-fated judge at liberty, Archbishop Stephen Langton and the bishops solemnly excommunicated Falkes, and the King laid siege to the castle. Pope Honorius writes of this brigand as "that noble man" who in time of need had risked his life and property for your father, King John, and for

yourself, "and warns the King not to punish the aforesaid nobleman, nor allow him to be punished in any way."

To Cardinal Langton, Pope Honorius wrote on this subject in a manner even more peremptory : " We have not yet been able to force our mind to credit what has been suggested to us about you by many, though they have striven to enforce the truth of what they say by many evidences. We thought, indeed, of that eminent knowledge of Divine Scripture which you possess . . . and of that abundance of love which has been shown to you by the Apostolic See in so many ways ; and turning these things over in our mind, we could not bring ourselves to think anything evil or unworthy of you. We warn your Fraternity, and strictly order you, by our Apostolic letters, that you cause the King at once to abandon the siege of the said nobleman, and that you, without delay or difficulty, relax the sentence you have laid upon him and his followers." Henry the Third's reply was to the effect that the Pope might understand that the very order of the kingdom demanded peremptory satisfaction from the man whom the Pope had gone out of his way to defend. The correspondence was dropped. On Breauté's submission, the wife of that noble pleaded for the King's protection. Before Archbishop Stephen Langton she sued for a divorce on the ground that she had been married by force and had never

given her consent. She had been the widow of Baldwin, Earl of Albemarle, and when Falkes de Breauté had earned the gratitude of King John, in 1213, by his cruelties perpetrated in Wales, John, as his reward, bestowed the Countess Margaret, with all her possessions, upon him. The Archbishop considered her case, and finally her lands and possessions were restored to her by Henry the Third, and she was placed under the protection of the Earl of Albemarle. Pope Honorius wrote two letters on the subject, the first directed to Archbishop Langton and others. In the second, addressed to the Archbishop alone, he speaks in very strong language, for he imagines that the wife of Falkes was detained from him apparently against her will. He warns Langton, the possessor of such a knowledge of Divine Scripture, for the sake of his own reputation to remember the account which will be demanded of him at the last day, and he specially appeals to him to try in every way to get the King to do what he has written to tell him in this matter. The Archbishop was not to be moved from his love of law and order which made for the general social welfare of the nation.

In a very special way must social reform have been brought about by Langton's introduction of the Dominican and Franciscan missionaries into England in the matter of improved conditions for the mass of the people with regard to better

housing, temperance, workmen's wages, education and sanitation.

STATESMAN-ARCHBISHOP

Neither Pope Innocent the Third nor King John really knew the character of Stephen Langton. They had seen in him a patient, suffering exile. Neither potentate expected the Archbishop to take a resolute and independent stand against his authority; and both of them were, no doubt, surprised to see in him a powerful and skilful organiser, not only of the barons, who were discontented with John, and whom he taught to combine and form themselves into a kind of "House of Lords," but a skilful organiser in formulating a national, and not a sectional, policy which preserved alike the material, temporal, and religious privileges of the community; because he saw that neither the King nor the Pope could be relied on for giving the freedom which he considered necessary for the lasting welfare of the nation and its Church (*vide* Magna Charta and the Council of Oseney).

ARCHBISHOP LANGTON AS A PATRIOT

Stephen was a lover of his native country and of its freedom; he was jealous for its honour and for its great institution, the Church. Hence his

opposition to the very unpatriotic King John, who submitted to be the vassal of the Pope, and thus allowed the papal influence to reach its height in England; and his opposition also to the Popes who tried to make him feel that he was only their servant, and had to do their bidding in both Church and State.

But was Stephen consistently patriotic? Did he not allow a foreign clerical potentate to appoint him to the metropolitan see of the English Church? True. But there was this in Langton's favour, that he was an Englishman of the highest character for goodness and ability, and he might have thought that it was better for his native country's good that he should not then contest the right of the Pope—almost universally recognised in Europe at the time in the appointment of ecclesiastical persons, and especially so when he saw the unworthy Bishop of Norwich recommended by John to the Pope for the position he himself so ably filled afterwards.

It is nowhere, as far as I can find, stated that Langton sought the Archbishopric of Canterbury for himself.

It would appear that Langton allowed the Pope to issue the interdict which involved his innocent countrymen in suffering, but early on, probably at Stephen's instigation, his brother Simon pressed King John to allow the Archbishop of Canterbury to return to England so that the blighting Interdict might be taken off.

Then, later on, it is true that Langton asked for and obtained from the Pope the excommunication, and ultimately the deposition, of his country's King; but it might be replied that John by this time was really only King *de jure* and not *de facto* as well; and that the Archbishop's intense patriotism induced him to invoke the arm of one who could back up his spiritual condemnation with material weapons, without his believing in the Pope having a position as Universal Monarch.

Stephen might have thought that, once in England, he could rally the English generally, and strike fear into the heart of the tyrant John and induce him to act honestly, justly and equitably. In this he would be acting from prudential motives.

When in England, Langton soon showed himself on the side of those who, whilst they hated John, did not wish to have a foreigner to rule over them; and soon demanded laws, ultimately obtained by Magna Charta, which made, as we have seen, for the freedom of the people from the King and freedom of the Church from both King and Pope.

In spite of the Pope's reconciliation with John, and the former's command to Langton to excommunicate the barons, on account of Magna Charta, the Archbishop refused, probably on the ground that he believed the Pope of Rome had no authority, legal, moral or religious, to interfere in the affairs of the English nation and the English Church; and

especially so when the opinions of all classes of the English people had been so recently materialised in the Great Charter. Langton's patriotism has already been shown with regard to his successful attitude towards William Brewer, Henry the Third's councillor, respecting the second reading of the Great Charter.

Again, the Archbishop was successful towards Honorius the Third respecting the visits of his legates to England, to his demand for material help from English benefices, and also with regard to the punishment of the ruffian Breauté. In all these matters Stephen evidently wished to give Rome the impression in a polite manner that it must be "hands off" as regards the management of that Church which he felt should be a free and independent Church, and of which he was accepted nationally as its chief.

To anticipate one result of our hero's attitude. When Cardinal William Allen, who was an Englishman, wrote a letter in 1588 exhorting the English to accept Philip the Second of Spain as the executor of Pope Pius the Fifth's sentence of deposition against Queen Elizabeth, it was hoped that, on the landing of Spaniards from the Armada, the English Roman Catholics would gladly join with them in throwing off the yoke of the heretic queen—but, despite the efforts of Allen, whatever resident Roman Catholics there were joined with the English

Catholics (many of whom probably were called or called themselves Protestants, as opposing papal supremacy and non-Scriptural doctrine), and affectively opposed the unjustifiable claims of the Bishop of Rome, by successfully resisting the intended invaders, for it was no longer a war of religions, but a struggle between two nations. This action was a confirmation of *Langton's attitude*, 350 years before, when he stood up boldly against probably the most powerful Pope of all for the independence of both his Church and his country.

By the way, it seems very strange to me to read the statement, so often reiterated and repeated by Roman Catholics, and also by some educated Non-conformists, that practically up to 1588 England was thoroughly Roman Catholic. If it were so, how comes it then, although England had officially (not really) restored the Roman Catholic spiritual supremacy in 1554, that, within the short period of thirty-five years the Romish Church was unable to influence its supposed adherents resident in England to its side? Does it not seem to show, to some extent, that the majority of the people of England felt that in resisting Rome they were not resisting a Church superior to their own or an ecclesiastic superior to their own metropolitan and primate, the Archbishop of Canterbury, and that they had no intentions of ministering to the idea of the universal despotism of the Pope?

Magna Charta styles our Church not the Church of Rome, but the Church of England—*Ecclesia Anglicana*—and the Act of Parliament, Edward the Third, 1350 A.D., refers to it as *La Seinte Eglise d'Engeterre*, that is, the Holy Church of England.

But the patriotic stand made by Langton did not prevent him from giving deferential and courteous consideration to the wishes of the two Popes he had to deal with in matters spiritual. Our hero, after his arrival in England, July 16, 1213, allowed the metropolitans of Rome no more effective jurisdiction in the English Church than would be allowed nowadays by the metropolitans of South Africa and Australia to the metropolitan of Canterbury in their respective churches.

Too much credit cannot be assigned to Archbishop Langton for the bold stand we have shown he made for civic and ecclesiastical freedom, from the oppression of the King on the one hand and the autocracy of the Pope on the other. And we may say that it was not in Geoffrey Fitz-Peter that English freedom was to find its champion and the baronage their leader. From the moment of his landing in England Stephen Langton had taken up the constitutional position of the Primate in upholding the old customs and rights of the realm against the personal despotism of the kings. And he alone of all the constitutionalists attained to influence and consideration under Henry the Third. Such is the common lot

of revolutionaries unblessed with genius, that when they survive the need which called them into being, they are exceptionally fortunate if the historian, after recounting their mistakes, will concede to them the merit of a patriotic intention.

CONCLUSION

Archbishop Stephen Langton's greatness of character stands out conspicuously when we see what took place immediately after his death. The opportunities of his position enabled the Pope to prey heavily on the revenues of England. When the Church suffered the great loss of Langton (a man who throughout his career, as already seen, had been of most signal service to his Church and nation) the monks of Canterbury, being allowed to proceed to a free election, abused their privilege by electing an obscure monk of ill repute named Walter de Hemisham. The suffragan bishops and the King refused to accept this election in which they had not been consulted. In the end Richard Grant, Chancellor of Lincoln, was appointed on condition of the King promising that the clergy would give a tenth of their revenues to the Pope. Already the independence of the English Church, which Langton had so nobly defended, was going.

"Even among his own countrymen," says the (*Roman*) *Catholic Cyclopædia*, "too few have an

adequate knowledge of his merits and of his great services to his country and to the Catholic Church, although his labours were concerned with the two things specially dear to Englishmen, the Bible and the British Constitution. Little though they may think it, every one who reads the Bible or enjoys the benefit of civic freedom owes a debt of gratitude to this Catholic Cardinal." (The writer of this book would suggest that the debt of gratitude owing to this statesman-ecclesiastic is rather to Langton's position as Archbishop of Canterbury—the Catholic (Roman) Cardinal's part being almost obliterated by the higher office of Primate of all England.)

If men may be measured by the magnitude of the work they accomplish, it may be safely said that Langton was the greatest Englishman who ever sat in the chair of St. Augustine. For Anselm was not an Englishman, and his triumphs were won in fields of thought and politics of less interest to Englishmen.

Some churchmen, again, have been great as writers and thinkers, others as statesmen solicitous for the welfare of the whole people, and others as zealous pastors of the flock, but it was Stephen Langton's lot to win distinction in all three capacities as scholar, statesman and as Archbishop, and the author of this book would add in other capacities also, such as social reformer, patriot, Church reformer and hero.

INDEX

- ADRIAN THE FOURTH, Pope,
167
Albigenses, 17, 18, 146
Albini, William de, 122, 140
Alexander of Scotland, 113
Aliens, 103
Anarchy, 142, 200
Angevin, 6, 8
Anglicana Ecclesia, 81, 128
Anselm, 11, 12, 20, 46, 211
Army of God, 68, 129
Arthur, Prince, 7, 9, 10
- Baronage, 3, 8, 10, 56, 63, 71,
73, 79, 93, 103, 111, 113, 124,
135, 141
Barons, the 25, 111, 115
Beckett, Archbishop, 3, 5, 6,
27, 176
Benedictines, 4
Bible, 186, 202, 211
Bonaparte, 137
Bouvines, 68, 146
Brantfield, Elias de, 21
Breakspear, Nich., pope, 167
Breauté, Falkes de, 150, 160,
201, 203
Brewer, William, 151, 159, 207
Bull, papal, 137, 168
Burgh, Hubert de, 14, 151,
155, 157, 159, 178, 200
- Calvin, 197
Canons of Oseney, 191
Canterbury, 7, 10, 11, 13, 22, 22,
25, 31, 33, 139, 164, 177, 183
Cardinal Allen, 207
Cardinal's status, 24, 25
Charter, Ecclesiastical, 69, 72
Chaucer, 182
Church, National, 11, 58, 62,
67, 72, 81, 127, 130, 138
Church Property, 37, 39, 67,
210
Church restorer, 184
Church revivalist, 176
Cistercians, 38
Civil War, 145
Clergy, 37, 190, 195
Coke, Sir Edward, 76
Communion, virtual, 35
Conciliatory Archbishop, 44
Congé d'élire, 10
Convocation, 168, 185
Corbeil, Archbishop, 168
Council, Great, 163
Covenant, The, 124
Cranmer, Archbishop, 168
Cromwell, 198
Crusaders, 46, 67, 73, 109, 113
- Dauphin, The, 10, 53
Decretals, Forged, 172
Deposition of King John, 46
Dominicans, 179, 203
Dunstable, 66, 201
- Edward the Confessor, 8, 54,
57, 58, 72, 127
Eleanor, Queen, 8, 60
English Roman Catholics, 207
Eustace de Vesci, 73, 122
Excommunication, 34, 41, 135,
141, 148, 195, 200, 206

- Falaise, Treaty of, 52
 Fitz-Peter, Geoffrey, 53, 57,
 60, 65, 209
 Fitz-Walter, Robert, 68, 73,
 122, 124, 140, 144
 Forest Law, 9
 Fox, George, 198
 Franciscans, 179, 203
 Freedom, Blow to, 164
 Friars, 179, 182

 Gasquet, Cardinal, 51, 66, 142
 Geoffrey, Archdeacon, 42
 Gregory the Seventh, 16
 Grey, John de, 38
 Gualo, 147, 152

 Habeas Corpus Act, 131
 Hemisham, Walter de, 210
 Henry the First, 2, 12, 55, 58
 Henry the Second, 3, 5, 52,
 107, 167
 Henry the Third, 149, 151-
 155, 159, 178, 201
 Heretics, 17, 197, 207
 Hildebrand, 16
 Honorius the Third, 153, 158,
 163, 170, 173, 175, 201, 207
 Hubert Walter, archbishop, 3,
 5, 6, 60, 128
 Hugh of Lincoln, 3, 70, 161
 Hugh of Wells, 44, 185

 Ingleburga, 16
 Innocent the Third, 5, 14, 15,
 16, 17, 18, 19, 22, 26, 27, 33,
 46, 50, 62, 67, 75, 136, 138,
 142, 169
 Interdict, 33, 57, 69, 173, 205
 Investiture, 12
 Ireland, 50, 129, 175
 Isabella of Angoulême, 10
 Isidore (decretals), 172

 Jews, 87, 196
 John, King, 7, 9, 10, 21, 26, 28,
 30, 33, 34, 37, 39-48, 60, 67,
 73, 136, 149, 153, 201
 Jurisdiction, papal, 141, 163,
 171

 Knights, Seven, 75
 Knights, Twelve, 9, 105, 123

 Lackland, John, 7, 91
 Lambeth, Treaty of, 149
 Lanfranc, Archbishop, 4, 6
 Langton, Simon, 22, 36, 40,
 41, 143, 164
 Langton, Stephen, 1, 6, 13, 14,
 20, 21, 22, 23-27, 30-33, 36,
 39, 41, 44, 52, 55, 58, 62, 67,
 71, 111, 130, 154, 164-212
 Lateran Council, 17, 142
 Legate, papal, 65-67, 148, 153,
 158, 164, 167, 169
 Liberty, 199
 Lotario di Signi, 15
 Louis of France, 146

 Magna Charta, 9, 55, 75-130,
 150, 158, 171, 206
 Map, Walter de, 183
 Marriage, clerical, 194
 Marshall, 72, 124
 Matthew of Paris, 47, 50, 59,
 69, 153
 Matthew of Westminster, 9
 Merchants, 93, 101
 Metropolitan, 205, 209
 Monasteries, 4, 70, 200
 Montfort, Simon de, 18

 National Party, 58, 64, 67, 69,
 145
 Nicholas of Tusculum, 66, 67
 Norgate, Miss, 65
 Normandy, 144, 146, 162
 Normans, 6, 10
 Northwold, Hugh, abbot, 74
 Norwich, Bishop of, 10-13,
 20-38

 Oseney, Synod of, 189
 Otho, 163
 Otto of Germany, 48
 Oxford, 73

 Pallium, 11

- Pandulph, 48, 66, 82, 127, 154,
 160, 169
 Papal pecuniary demand, 164
 Paris, University of, 14, 23, 39
 Patriot, 204
 Peers, 93, 131
 Pembroke, Earl, Marshal, 73,
 81, 127, 134, 149, 150, 152
 Penance, 35
 Peter of Wakefield, 48
 Peter's Pence, 49
 Petition of Right, 133
 Philip Augustus, King, 8, 9,
 10, 36, 47, 144
 Pontigny, 39, 41, 46
 Popes, 11, 12, 13, 14, 25, 138,
 164, 205
 Porchester, 52
 Poyning's Law, 129
 Prayer-Book, 108
 Primacy, English Church, 145,
 158, 160, 165, 175, 209, 211

 Reformation, The, 134, 208
 Reformer, Church, 185
 Reginald of Cornhill, 40
 Reginald, sub-prior, 11, 13, 22
 Revocation of Charter, 137
 Revolution, French, 199
 Richard Grant, 210
 Richard the First, 2, 3, 5, 107,
 161
 Rings, Four, 28
 Roches, Peter de, 38, 157, 159
 Rochester, 74, 148
 Roger of Wendover, 24
 Rome, 11, 29, 142, 158, 163,
 169, 174
 Rouen, 10, 44
 Rufus, King, 6, 11, 12
 Runnymede, 121, 126, 150

 Sacraments, 34, 189, 192
 St. Albans, 55, 57
 St. Edmundsbury, 68, 72, 74
 St. Paul's, 163
 Samson, Abbot, 73
 Sawtre, 197
 Scutage, 89
 Slindon, 164
 Socage, 99, 101
 Socialists, French, 199
 Social Reform, 131, 180, 200,
 204
 Spilsby, 23
 Stephen, King, 147
 Submission to Papacy, 50, 67,
 73, 169

 Taxation, National, 152, 161
 Toleration, 198
 Tower of London, 72, 123, 126

 Usurpation, Papal, 32

 Vicar's stipend, 191
 Villeins, 132, 200
 Viterbo, 27

 Walter of Coventry, 24
 Warenne, Earl, 73, 81
 Westminster, 56, 153
 Widows, 85
 William the First, 1, 4, 9, 176
 William the Lion, 52, 113
 Winchester, 54, 58, 64, 71
 Wives of clergy, 194
 Worcester, 72
 Wulfstan, Bishop, 176

 York, 170

PRINTED IN GREAT BRITAIN BY
RICHARD CLAY & SONS, LIMITED,
BRUNSWICK ST., STAMFORD ST., S.E.,
AND BUNGAY, SUFFOLK.



PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

DA
228
L3L4

Leeming, J.R. (John Robert)
Stephen Langton

